CHAPTER 351
LICENSURE OF ATHLETIC TRAINERS

645—351.1(152D) Definitions.

For purposes of these rules, the following definitions shall apply:

“Active license” means a license that is current and has not expired.

“Athlete” means a person who participates in a sanctioned amateur or professional sport or other recreational sports activity.

“Athletic injury” means any of the following:
1. An injury or illness sustained by an athlete as a result of the athlete’s participation in sports, games, or recreational sports activities.
2. An injury or illness that impedes or prevents an athlete from participating in sports, games, or recreational sports activities.

“Athletic trainer” means a person licensed under this chapter to practice athletic training under the direction of a licensed physician.

“Athletic training” means the practice of prevention, recognition, assessment, physical evaluation, management, treatment, disposition, and physical reconditioning of athletic injuries that are within the professional preparation and education of a licensed athletic trainer and under the direction of a licensed physician. The term “athletic training” includes the organization and administration of educational programs and athletic facilities, and the education and counseling of the public on matters relating to athletic training.

“Board” means the board of athletic training created under Iowa Code chapter 147.

“BOC” means the Board of Certification or its successor organization.

“Directing physician” means a physician who supervises the athletic training services provided by a licensed athletic trainer.

“Direction” means that a physician directs the performance of a licensed athletic trainer in the development, implementation, and evaluation of an athletic training service plan as set out in 645—351.6(152D). Direction shall not be construed as requiring the personal presence of that physician at each activity of the licensed athletic trainer. It is the responsibility of the licensed athletic trainer to ensure that the practice of athletic training is carried out only under the direction of a licensed physician.

“Grace period” means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

“Licensee” means any person licensed to practice as an athletic trainer in the state of Iowa.

“License expiration date” means February 28 of each odd-numbered year.

“Physical reconditioning” means the part of the practice of athletic training which combines physical treatment, rehabilitation and exercise and is carried out under the orders of a physician or physician assistant. Physical treatment is part of a service plan which includes but is not limited to the continued use of any of the following: cryotherapy, thermotherapy, hydrotherapy,
electrotherapy, or the use of mechanical devices.

“Physician” means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, osteopathy, chiropractic, or podiatry under the laws of this state.

“Reactivate” or “reactivation” means the process as outlined in rule 645—351.15(17A,147,272C) by which an inactive license is restored to active status.

“Reciprocal license” means the issuance of an Iowa license to practice athletic training to an applicant who is currently licensed in another state which has a mutual agreement with the Iowa board of athletic training to license persons who have the same or similar qualifications to those required in Iowa.

“Reinstatement” means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

645—351.2(152D) Requirements for licensure. The following criteria shall apply to licensure:

351.2(1) The applicant shall complete a board-approved application packet. Application forms may be obtained from the board’s website (idph.iowa.gov/Licensure/Iowa-Board-of-Athletic-Training) or directly from the board office. All applications shall be sent to Board of Athletic Training, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

351.2(2) The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

351.2(3) Each application shall be accompanied by the appropriate fees payable by check or money order to the Board of Athletic Training. The fees are nonrefundable.

351.2(4) No application will be considered by the board until official copies of academic transcripts have been sent directly from the school to the board of athletic training.

351.2(5) The applicant shall successfully complete the BOC examination. It is the responsibility of the applicant to make arrangements to take the examination and have the official results submitted to the Iowa board of athletic training.

351.2(6) Licensees who were issued their licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal date two years later.

351.2(7) Incomplete applications that have been on file in the board office for more than two years shall be:

a. Considered invalid and shall be destroyed; or

b. Maintained upon written request of the candidate. The candidate is responsible for requesting that the file be maintained.

645—351.3(152D) Educational qualifications.

351.3(1) A new applicant for licensure to practice as an athletic trainer shall possess a baccalaureate degree or postbaccalaureate degree from a U.S. regionally accredited college or university.

351.3(2) Foreign-trained athletic trainers shall:

a. Provide an equivalency evaluation of their educational credentials by International Educational Research Foundations, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, CA 90231-3665; telephone (310)258-9451; website www.ierv.org or email at info@ierv.org. The professional curriculum must be equivalent to that stated in these rules. A candidate shall bear the expense of the curriculum evaluation. An applicant who has passed the BOC examination is exempt from this requirement.

b. Provide a notarized copy of the certificate or diploma awarded to the applicant from an athletic training program in the country in which the applicant was educated. An applicant who has passed the BOC examination is exempt from this requirement.
c. Receive a final determination from the board regarding the application for licensure.

d. Pass the BOC examination. Official results are to be submitted directly to the board from the BOC.

645—351.4(152D) Examination requirements.

351.4(1) The examination required by the board shall be the BOC examination. Application and information may be obtained from the BOC Offices, 1415 Harney Street, Suite 200, Omaha, NE 68102; telephone (402)559-0091; website www.bocatc.org or email at BOC@bocatc.org.

351.4(2) The applicant has responsibility for:
   a. Making arrangements to take the national examination; and
   b. Arranging to have the examination scores sent directly to the board from BOC.

645—351.5(152D) Documentation of physician direction.

Each licensee must maintain documentation of physician direction. It is the responsibility of the licensee to ensure that documentation of physician direction is obtained and maintained, including the following:

1. Athletic training service plan as set out in 645—351.6(152D);
2. Dates and names of physician and physician assistant orders or referrals;
3. Initial evaluations and assessments;
4. Treatments and services rendered, with dates; and
5. Dates of subsequent follow-up care.

645—351.6(152D) Athletic training plan for direct service.

Athletic training service plans shall be composed of the following components as taken from the Board of Certification 2000 Standards of Athletic Training for Direct Service and for Service Programs or standards from its successor as determined by the board of athletic training.

351.6(1) Standards for athletic training—direct service.

a. Standard 1—direction. The athletic trainer renders service or treatment under the direction of a physician.

b. Standard 2—injury and ongoing care services. All services shall be documented in writing by the athletic trainer and shall become part of the athlete’s permanent records.

c. Standard 3—documentation. The athletic trainer shall accept responsibility for recording details of the athlete’s health status. Documentation shall include:
   (1) Athlete’s name and any other identifying information.
   (2) Referral source (doctor, dentist).
   (3) Date, initial assessment, results and database.
   (4) Program plan and estimated length.
   (5) Program methods, results and revisions.
   (6) Date of discontinuation and summary.
   (7) Athletic trainer’s signature.

d. Standard 4—confidentiality. The athletic trainer shall maintain confidentiality as determined by law and shall accept responsibility for communicating assessment results, program plans, and progress with other persons involved in the athlete’s program.

e. Standard 5—initial assessment. Prior to treatment, the athletic trainer shall assess the athlete’s level of functioning. The athlete’s input shall be considered an integral part of the initial assessment.

f. Standard 6—program planning. The athletic training program objectives shall include long-and short-term goals and an appraisal of those which the athlete can realistically be expected to achieve from the program. Assessment measures to
determine the effectiveness of the program shall be incorporated into the plan.

**g. Standard 7—program discontinuation.** The athletic trainer, with the collaboration of the physician, shall recommend discontinuation of the athletic training service when the athlete has received optimal benefit of the program. The athletic trainer, at the time of discontinuation, shall note the final assessment of the athlete’s status.

---

**351.6(2) Standards for athletic training—service program.** Rescinded IAB 2/2/05, effective 3/9/05.

---

**645—351.7(152D) Licensure by endorsement.**

An applicant who has been a licensed athletic trainer under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

1. Submits to the board a completed application;
2. Pays the licensure fee;
3. Has the academic transcript(s) sent directly from the school(s) to the board;
4. Shows evidence of licensure requirements that are similar to those required in Iowa;
5. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:
   - Licensee’s name;
   - Date of initial licensure;
   - Current licensure status; and
   - Any disciplinary actions taken against the license.
6. Submits evidence:
   - From BOC of current certification status sent directly from BOC to the board, or
   - Of a passing score on the examination of the BOC sent directly from BOC to the board.

---

**645—351.8(147) Licensure by reciprocal agreement.** Rescinded IAB 8/13/08, effective 9/17/08.

---

**645—351.9(147) License renewal.**

**351.9(1)** The biennial license renewal period for a license to practice athletic training shall begin on March 1 of each odd-numbered year and end on February 28 of the next odd-numbered year. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

**351.9(2)** An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.

**351.9(3)** A licensee seeking renewal shall:

- *a.* Meet the continuing education requirements of rule 645—352.2(152D) and the mandatory reporting requirements of subrule 351.9(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and
- *b.* Submit the completed renewal application and renewal fee before the license expiration date.

**351.9(4)** Mandatory reporter training requirements.
a. A licensee who, in the scope of professional practice or in the licensee’s employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph “e.”

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph “e.”

c. A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph “e.”

Training may be completed through separate courses as identified in paragraphs “a” and “b” or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.

d. The licensee shall maintain written documentation for five years after mandatory training as identified in paragraphs “a” to “c,” including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:
   (1) Is engaged in active duty in the military service of this state or the United States.
   (2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 352.

f. The board may select licensees for audit of compliance with the requirements in paragraphs “a” to “e.”

351.9(5)
Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

351.9(6)
A person licensed to practice as an athletic trainer shall keep the license certificate and wallet card displayed in a conspicuous public place at the primary site of practice.

351.9(7)
Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 5.1(4). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

351.9(8)
Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as an athletic trainer in Iowa until the license is reactivated. A licensee who practices as an athletic trainer in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

[ARC 9967B, IAB 1/11/12, effective 2/15/12]

645—351.10(272C) Exemptions for inactive practitioners.
Rescinded IAB 7/20/05, effective 8/24/05.

645—351.11(147) Duplicate certificate or wallet card.
Rescinded IAB 8/13/08, effective 9/17/08.

645—351.12(147) Reissued certificate or wallet card.
Rescinded IAB 8/13/08, effective 9/17/08.

645—351.13(272C) Lapsed licenses.
Rescinded IAB 7/20/05, effective 8/24/05.

645—351.14(17A,147,272C) License denial.
Rescinded IAB 8/13/08, effective 9/17/08.

645—351.15(17A,147,272C) License reactivation.

To apply for reactivation of an inactive license, a licensee shall:

351.15(1) Submit a reactivation application on a form provided by the board.
351.15(2) Pay the reactivation fee that is due as specified in 645—Chapter 5.
351.15(3) Provide verification of current competence to practice as an athletic trainer by satisfying one of the following criteria:
   a. If the license has been on inactive status for five years or less, an applicant must provide the following:
      (1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction’s board office if the verification includes:
         1. Licensee’s name;
         2. Date of initial licensure;
         3. Current licensure status; and
         4. Any disciplinary action taken against the license; and
      (2) Verification of completion of 50 hours of continuing education within two years of the application for reactivation.
   b. If the license has been on inactive status for more than five years, an applicant must provide the following:
      (1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a
jurisdiction’s board office if the verification includes:

1. Licensee’s name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 50 hours of continuing education within two years of application for reactivation; and

(3) Verification of current BOC certification.

645—351.16(17A,147,272C) License reinstatement.

A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 645—351.15(17A,147,272C) prior to practicing as an athletic trainer in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 152D and 272C.

CHAPTER 352
CONTINUING EDUCATION FOR ATHLETIC TRAINERS

645—352.1(272C) Definitions. For the purpose of these rules, the following definitions shall apply:

“Active license” means the license is current and has not expired.

“Approved program/activity” means a continuing education program/activity meeting the standards set forth in these rules.

“Audit” means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

“Board” means the board of athletic training created under Iowa Code chapter 147.

“BOC” means the Board of Certification or its successor organization.

“Continuing education” means planned, organized learning acts acquired during initial licensure designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

“Hour of continuing education” means at least 50 minutes spent by a licensee in actual attendance at and completion of an approved continuing education activity.

“Inactive license” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“Independent study” means a subject/program/activity that a person pursues autonomously that meets standards for approval criteria in the rules and includes a posttest.

“License” means license to practice.

“Licensee” means any person licensed to practice as an athletic trainer in the state of Iowa.

645—352.2(152D) Continuing education requirements.

352.2(1)
The biennial continuing education compliance period shall extend for a two-year period beginning on March 1 of each odd-numbered year and ending on February 28 of the next odd-numbered year. Each biennium, each person who is licensed to practice as an athletic trainer in this state shall be required to complete a minimum of 50 hours of continuing education approved by the board.

352.2(2)
Requirements for new licensees. Those persons licensed for the first time or being licensed for the first time after a temporary license shall not be required to complete continuing education as a
prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used. The new licensee will be required to complete a minimum of 50 hours of continuing education per biennium for each subsequent license renewal.

352.2(3)
Hours of continuing education credit may be obtained by attending and participating in a continuing education activity. These hours must be in accordance with these rules.

352.2(4)
No hours of continuing education shall be carried over into the next biennium except as stated for the second renewal. A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.

352.2(5)
It is the responsibility of each licensee to finance the cost of continuing education.

645—352.3(152D,272C) Standards.
352.3(1) General criteria.
A continuing education activity which meets all of the following criteria is appropriate for continuing education credit if the continuing education activity:
   a. Constitutes an organized program of learning which contributes directly to the professional competency of the licensee;
   b. Pertains to subject matters which integrally relate to the practice of the profession;
   c. Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program. At the time of audit, the board may request the qualifications of presenters;
   d. Fulfills stated program goals, objectives, or both; and
   e. Provides proof of attendance to licensees in attendance including:
      (1) Date(s), location, course title, presenter(s);
      (2) Number of program contact hours; and
      (3) Certificate of completion or evidence of successful completion of the course provided by the course sponsor.

352.3(2) Specific criteria.
Continuing education hours of credit shall be obtained by participating in a course provided by a BOC-approved provider of continuing education.

645—352.4(152D,272C) Audit of continuing education report.
In addition to the requirements of 645—4.11(272C), proof of current BOC certification shall be accepted in lieu of individual certificates of completion for an audit.

645—352.5(152D,272C) Automatic exemption. Rescinded IAB 8/13/08, effective 9/17/08.

645—352.6(272C) Grounds for disciplinary action. Rescinded IAB 8/13/08, effective 9/17/08.

645—352.7(152D,272C) Continuing education waiver for active practitioners. Rescinded IAB 7/20/05, effective 8/24/05.
645—352.8(152D,272C) Continuing education exemption for inactive practitioners. Rescinded IAB 7/20/05, effective 8/24/05.

645—352.9(272C) Continuing education exemption for disability or illness. Rescinded IAB 8/13/08, effective 9/17/08.

645—352.10(152D,272C) Reinstatement of inactive practitioners. Rescinded IAB 7/20/05, effective 8/24/05.

645—352.11(272C) Hearings. Rescinded IAB 7/20/05, effective 8/24/05.

These rules are intended to implement Iowa Code section 272C.2 and chapter 152D.

CHAPTER 353
DISCIPLINE FOR ATHLETIC TRAINERS
[Prior to 4/17/02, see 645—350.13(272C)]

645—353.1(152D) Definitions.

“Board” means the board of athletic training.

“Discipline” means any sanction the board may impose upon licensees.

“Licensee” means a person licensed to practice as an athletic trainer in Iowa.

645—353.2(152D,272C) Grounds for discipline.

The board may impose any of the disciplinary sanctions provided in rule 645—353.3(152D,272C) when the board determines that the licensee is guilty of any of the following acts or offenses:

353.2(1) Fraud in procuring a license.

Fraud in procuring a license includes, but is not limited to:

a. An intentional perversion of the truth in making application for a license to practice in this state;

b. False representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a license in this state; or

c. Attempting to file or filing with the board or the department of public health any false or forged diploma or certificate or affidavit or identification or qualification in making an application for a license in this state.

353.2(2) Professional incompetency.

Professional incompetency includes, but is not limited to:

a. A substantial lack of knowledge or ability to discharge professional obligations within the scope of practice.

b. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other athletic trainers in the state of Iowa acting in the same or similar circumstances.

c. A failure to exercise the degree of care which is ordinarily exercised by the average athletic trainer acting in the same or similar circumstances.

d. Failure to conform to the minimal standard of acceptable and prevailing practice of a licensed athletic trainer in this state.

353.2(3)

Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof
of actual injury need not be established.

353.2(4) Practice outside the scope of the profession.

353.2(5) Use of untruthful or improbable statements in advertisements. The use of untruthful or improbable statements in advertisements includes, but is not limited to, an action by a licensee in making information or intention known to the public which is false, deceptive, misleading or promoted through fraud or misrepresentation.

353.2(6) Habitual intoxication or addiction to the use of drugs.
   a. The inability of a licensee to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.
   b. The excessive use of drugs which may impair a licensee’s ability to practice with reasonable skill or safety.

353.2(7) Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.

353.2(8) Falsification of client or patient records.

353.2(9) Acceptance of any fee by fraud or misrepresentation.

353.2(10) Misappropriation of funds.

353.2(11) Negligence by the licensee in the practice of the profession. Negligence by the licensee in the practice of the profession includes a failure to exercise due care including improper delegation of duties or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.

353.2(12) Conviction of a crime related to the profession or occupation of the licensee or the conviction of any crime that would affect the licensee’s ability to practice within the profession, regardless of whether the judgment of conviction or sentence was deferred. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

353.2(13) Violation of a regulation, rule or law of this state, another state, or the United States, which relates to the practice of athletic training.

353.2(14) Revocation, suspension, or other disciplinary action taken by a licensing authority of this state, another state, territory, or country; or failure by the licensee to report such action within 30 days of the final action by such licensing authority. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, such report shall be expunged from the records of the board.
353.2(15) Failure of a licensee or an applicant for licensure in this state to report any voluntary agreements restricting the individual’s practice of athletic training in another state, district, territory, or country.

353.2(16) Failure to notify the board of a criminal conviction within 30 days of the action, regardless of the jurisdiction where it occurred.

353.2(17) Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.

353.2(18) Engaging in any conduct that subverts or attempts to subvert a board investigation.

353.2(19) Failure to respond within 30 days to a communication of the board which was sent by registered or certified mail.

353.2(20) Failure to comply with a subpoena issued by the board or failure to cooperate with an investigation of the board.

353.2(21) Failure to comply with the terms of a board order or the terms of a settlement agreement or consent order.

353.2(22) Failure to pay costs assessed in any disciplinary action.

353.2(23) Submission of a false report of continuing education or failure to submit the biennial report of continuing education.

353.2(24) Failure to report another licensee to the board for any violations listed in these rules, pursuant to Iowa Code section 272C.9.

353.2(25) Knowingly aiding, assisting, or advising a person to unlawfully practice as an athletic trainer.

353.2(26) Failure to report a change of name or address within 30 days after the occurrence.

353.2(27) Representing oneself as a licensed athletic trainer when one’s license has been suspended or revoked, or when one’s license is on inactive status.

353.2(28) Permitting another person to use the licensee’s license for any purpose.
353.2(29) Permitting an unlicensed employee or person under the licensee’s control to perform activities that require a license.

353.2(30) Unethical conduct. In accordance with Iowa Code section 147.55(3), behavior (i.e., acts, knowledge, and practices) which constitutes unethical conduct may include, but is not limited to, the following:
   a. Verbally or physically abusing a patient or client.
   b. Improper sexual contact with or making suggestive, lewd, lascivious or improper remarks or advances to a patient, client or coworker.
   c. Betrayal of a professional confidence.
   d. Engaging in a professional conflict of interest.
   e. Mental or physical inability reasonably related to and adversely affecting the licensee’s ability to practice in a safe and competent manner.
   f. Being adjudged mentally incompetent by a court of competent jurisdiction.

353.2(31) Failure to comply with universal precautions for preventing transmission of infectious diseases as issued by the Centers for Disease Control of the United States Department of Health and Human Services.

353.2(32) Violation of the terms of an initial agreement with the impaired practitioner review committee or violation of the terms of an impaired practitioner recovery contract with the impaired practitioner review committee.

[ARC 9967B, IAB 1/11/12, effective 2/15/12 (See Delay note at end of chapter)]

645—353.3(152D,272C) Method of discipline.

The board has the authority to impose the following disciplinary sanctions:
   1. Revocation of license.
   2. Suspension of license until further order of the board or for a specific period.
   3. Prohibit permanently, until further order of the board, or for a specific period the licensee’s engaging in specified procedures, methods, or acts.
   4. Probation.
   5. Require additional education or training.
   6. Require a reexamination.
   7. Order a physical or mental evaluation, or order alcohol and drug screening within a time specified by the board.
   8. Impose civil penalties not to exceed $1000.
   9. Issue a citation and warning.
   10. Such other sanctions allowed by law as may be appropriate.

645—353.4(272C) Discretion of board.

The following factors may be considered by the board in determining the nature and severity of the disciplinary sanction to be imposed:
   1. The relative serious nature of the violation as it relates to ensuring a high standard of professional care for the citizens of this state;
   2. The facts of the particular violation;
   3. Any extenuating facts or other countervailing considerations;
4. The number of prior violations or complaints;
5. The seriousness of prior violations or complaints;
6. Whether remedial action has been taken; and
7. Such other factors as may reflect upon the competency, ethical standards, and professional conduct of the licensee.

645—353.5(152D) Order for mental, physical, or clinical competency examination or alcohol or drug screening. Rescinded IAB 8/13/08, effective 9/17/08.

These rules are intended to implement Iowa Code chapters 147, 152D and 272C.