

Chapter PT 7

UNPROFESSIONAL CONDUCT

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PT 7.01 Authority and purpose. The definitions of this chapter are adopted by the board pursuant to the authority delegated by ss. 15.085 (5) (b) and 448.527, Stats., to establish the standards of ethical conduct by physical therapists and physical therapist assistants.

History: Cr. Register, September, 1995, No. 477, eff. 10–1–95; CR 03–020: am. Register April 2004 No. 580, eff. 5–1–04.

PT 7.02 Definitions. The term “unprofessional conduct” is defined to mean and include but not be limited to the following, or aiding or abetting the same:

(1) Violating or attempting to violate s. 448.57 (2) (a) to (g), Stats., or any other applicable provision or term of ch. 448, Stats., or of any valid rule of the board.

(2) Violating or attempting to violate any term, provision or condition of any order of the board.

(3) Knowingly making or presenting or causing to be made or presented any false, fraudulent or forged statement, writing, certificate, diploma, or other thing in connection with any application for a license.

(4) Practicing fraud, forgery, deception, collusion or conspiracy in connection with any examination for a license.

(5) Giving, selling, buying, bartering or attempting to give, sell, buy or barter any license.

(6) Engaging or attempting to engage in practice under any license under any given name or surname other than that under which originally licensed or registered to practice in this or any other state. This subsection does not apply to a change of name resulting from marriage, divorce or order by a court of record.

(7) Engaging or attempting to engage in the unlawful practice of physical therapy.

(8) Any practice or conduct which tends to constitute a danger to the health, welfare or safety of a patient or the public.

(9) Practicing or attempting to practice under any license when unable to do so with reasonable skill and safety to patients.

(10) Practicing or attempting to practice under any license beyond the scope of that license.

(11) Offering, undertaking or agreeing to treat or cure a disease or condition by a secret means, method, device or instrumentality; or refusing to divulge to the board upon demand the means, method, device or instrumentality used in the treatment of a disease or condition.

(12) Representing that a manifestly incurable disease or condition can be or will be permanently cured; or that a curable disease or condition can be cured within a stated time, if it is not the fact.

(13) Knowingly making any false statement, written or oral, in practicing under any license, with fraudulent intent; or obtaining or attempting to obtain any professional fee or compensation of any form by fraud or deceit.

(14) Willfully divulging a privileged communication or confidence entrusted by a patient or deficiencies in the character of patients observed in the course of professional attendance, unless lawfully required to do so.

(15) Engaging in uninvited, in-person solicitation of actual or potential patients who, because of their particular circumstances, are vulnerable to undue influence.

(16) Engaging in false, misleading or deceptive advertising.

(17) Having a license, certificate, permit, registration or other practice privilege granted by another state or by any agency of the federal government to practice physical therapy limited, restricted, suspended or revoked, or having been subject to other disciplinary action by the state licensing authority or by any agency of the federal government.

(18) Conviction of any crime which may relate to practice under any license, or of violation of any federal or state law regulating the possession, distribution or use of controlled substances as defined in s. 961.01 (4), Stats. A certified copy of a judgment of a court of record showing the conviction, within this state or without, shall be presumptive evidence of the conviction.

(19) Engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient. For the purposes of this subsection, an adult receiving treatment shall continue to be a patient until the time of final discharge from physical therapy.

(20) Failure to inform a patient or client of the costs, benefits and risks of viable physical therapy intervention and treatment alternatives.

(21) Failing to report to the board or to institutional supervisory personnel any violation of this chapter by a licensee.

History: Cr. Register, September, 1995, No. 477, eff. 10–1–95; correction in (18) made under s. 13.93 (2m) (b) 7., Stats.; Register, June, 1998, No. 510; CR 03–020: am. (1), cr. (19), (20) and (21) Register April 2004 No. 580, eff. 5–1–04.

PT 7.03 Complaints. Procedures and requirements for filing complaints with the board are set forth in ch. SPS 2.

History: CR 03–020: cr. Register April 2004 No. 580, eff. 5–1–04; **correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.**

PT 7.04 Self-audits. The board shall biennially review and evaluate its performance in carrying out its responsibilities under this chapter and in other areas over which the board exercises its independent authority, as defined in s. 440.035, Stats.

History: CR 03–020: cr. Register April 2004 No. 580, eff. 5–1–04.