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Chapter DI 5

STANDARDS OF CONDUCT

DI 5.01 Unprofessional conduct.

DI 5.01 Unprofessional conduct. Unprofessional conduct related to the practice of dietetics under subch. IV of ch. 448, Stats., includes, but is not limited to the following conduct or attempting to engage in or aiding or abetting the following conduct:

(1) Performing or offering to perform services for which the certificate holder is not qualified by education, training or experience.

(2) Violating a law of any jurisdiction, the circumstances of which substantially relate to the practice under the certificate.

(3) Undertaking or continuing the performance of professional services after having been adjudged incompetent by any court of law.

(4) Using fraud or deception in the application for a certificate.

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

(6) Engaging in false, fraudulent, misleading or deceptive advertising, or maintaining a professional relationship with one engaging in such advertising.

(7) Engaging in false, fraudulent, deceptive or misleading billing practices.

(8) Knowingly reporting distorted, false or misleading information or knowingly making false statements in practice.

(9) Practicing or attempting to practice while the certificate holder is impaired due to the utilization of alcohol or other drugs, or as a result of an illness which impairs the certificate holder's ability to appropriately carry out the functions delineated under the certificate in a manner consistent with the safety of a client, patient or the public.

(10) Revealing facts, data, information, records or communication received from a client in a professional capacity, except in the following circumstances:

(a) With the informed consent of the client or the client's authorized representative.

(b) With notification to the client prior to the time the information was elicited of the use and distribution of the information.

(c) If necessary to prevent injury to the client or another person.

(d) Pursuant to a lawful order of a court of law.

(e) Use of case history material for teaching, therapeutic or research purposes, or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client.

(f) When required or authorized pursuant to federal or state statute.

(11) Failing to provide the client or client's authorized representative a description of what may be expected in the way of tests, consultation, reports, fees, billing, therapeutic regimen or schedule.

(12) Failing to conduct an assessment or evaluation as a basis for treatment consultation.

(13) Failing to inform the client of financial interests which are not obvious and which might accrue to the certificate holder for referral to or for any service, product or publication.

(14) Failing to maintain adequate records relating to services provided a client in the course of a professional relationship.

(15) Failing to notify the board that a license, certificate or registration for the practice of any profession previously issued to the certificate holder has been revoked, suspended, limited or denied, or subject to any other disciplinary action by the authorities of any jurisdiction.

(16) Having a license, registration or certificate permitting the practice of dietetics or authorizing the use of the title "dietitian," "certified dietitian," "registered dietitian" or similar terms revoked, suspended, limited, subjected to any other discipline, by any other jurisdiction.

(17) Violating or attempting to violate any applicable provision of ch. 448, Stats., or any valid rule of the board.

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

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

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

(21) 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 jurisdiction. This subsection does not apply to change of name resulting from marriage, divorce or order by a court of record.

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

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

(24) 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.

(25) Making a representation likely to create an unjustified expectation about the results of a medical nutritional therapy service or procedure.

(26) Failing to take reasonable action to inform a client's physician and any appropriate allied health care provider in any case in which a client's nutritional status indicates a change in medical status.

(27) Conviction of any crime the circumstances of which substantially relate to practice under any certificate, or of violation of any federal or state law regarding 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 show-

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ing such conviction, within this state or without, shall be presumptive evidence thereof.

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