

**100-69-7. Unprofessional conduct; definitions.** (a) “Unprofessional conduct” shall mean any of the following:

(1) Soliciting patients through the use of false advertisements or profiting by the acts of those representing themselves to be agents of the licensee;

(2) representing to a patient that a manifestly incurable disease, condition, or injury can be permanently cured;

(3) assisting in the care or treatment of a patient without the consent of the patient or the patient’s legal representative;

(4) using any letters, words, or terms as an affix on stationery or in advertisements or otherwise indicating that the person is entitled to practice any profession regulated by the board or any other state licensing board or agency for which the person is not licensed;

(5) willful betrayal of confidential information;

(6) advertising professional superiority or the performance of professional services in a superior manner;

(7) advertising to guarantee any professional service or to perform any professional service painlessly;

(8) engaging in conduct related to the practice of athletic training that is likely to deceive, defraud, or harm the public;

(9) making a false or misleading statement regarding the licensee’s skill or the efficacy or value of the treatment or remedy prescribed by the licensee or at the licensee’s direction;

(10) commission of any act of sexual abuse, misconduct, or other improper sexual contact that exploits the licensee-patient relationship, with a patient or a person responsible for health care decisions concerning the patient;

(11) using any false, fraudulent, or deceptive statement in any document connected with the practice of athletic training, including the intentional falsifying or fraudulent altering of a patient record;

(12) obtaining any fee by fraud, deceit, or misrepresentation;

(13) failing to transfer a patient's records to another licensee when requested to do so by the patient or by the patient's legally designated representative;

(14) performing any unnecessary tests, examinations, or services that have no legitimate purpose;

(15) charging an excessive fee for services rendered;

(16) repeated failure to engage in the practice of athletic training with that level of care, skill, and treatment that is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances;

(17) failure to keep written medical records that accurately describe the services rendered to each patient, including patient histories, pertinent findings, examination results, and test results;

(18) providing services as an athletic trainer without practice protocols or contrary to the practice protocols filed with the board;

(19) practicing athletic training while the licensee's ability to practice with reasonable skill and safety to patients is impaired by reason of physical or mental illness or the use of alcohol, drugs, or controlled substances;

(20) committing fraud or misrepresentation in applying for or securing an original, renewal, or reinstated license;

(21) willfully or repeatedly violating the healing arts act, any implementing regulations, or any regulations of the board or the secretary of health and environment that govern the practice of athletic training;

(22) unlawfully practicing any profession regulated by the board in which the licensed athletic trainer is not licensed to practice;

(23) failing to report or reveal the knowledge required to be reported or revealed pursuant to K.S.A. 65-7621, and amendments thereto;

(24) failing to furnish the board, or its investigators or representatives, any information legally requested by the board;

(25) incurring any sanction or disciplinary action by a peer review committee, a governmental agency or department, or a professional association or society for conduct that could constitute grounds for disciplinary action under the act or this article of the board's regulations;

(26) knowingly submitting any misleading, deceptive, untrue, or fraudulent representation on a claim form, bill, or statement;

(27) giving a worthless check or stopping payment on a debit or credit card for fees or moneys legally due to the board;

(28) knowingly or negligently abandoning medical records;

(29) engaging in conduct that violates patient trust and exploits the licensee-patient relationship for personal gain; or

(30) obstructing a board investigation, including engaging in one or more of the following acts:

(A) Falsifying or concealing a material fact;

(B) knowingly making or causing to be made any false or misleading statement or writing; or

(C) committing any other acts or engaging in conduct likely to deceive or defraud the board.

(b) “Advertisement” shall mean all representations disseminated in any manner or by any means that are for the purpose of inducing or that are likely to induce, directly or indirectly, the purchase of professional services.

(c) “False advertisement” shall mean any advertisement that is false, misleading, or deceptive in a material respect. In determining whether any advertisement is misleading, the following shall be taken into account:

(1) Representations made or suggested by statement, word, design, device, or sound, or any combination of these; and

(2) the extent to which the advertisement fails to reveal facts material in the light of the representations made. (Authorized by and implementing K.S.A. 65-6905 and K.S.A. 65-6911; effective July 19, 1996; amended Sept. 9, 2005; amended Jan. 10, 2020.)