

4761-10-01

Ethical and professional conduct.

A licensee and a permit holder shall provide professional services with objectivity and with respect for the unique needs and values of the health care recipient, as follows:

- (A) A licensee or permit holder shall not discriminate on the basis of factors that are irrelevant to the provision of professional services including, but not limited to race, creed, sex, national origin, age or medical condition.
- (B) Prior to a licensee or permit holder entering into a contractual relationship with a health care recipient, the licensee or permit holder shall provide sufficient information to enable the health care recipient to make an informed decision to enter into a contractual relationship. Sufficient information shall include any fees and arrangements for payment which might affect the decision.
- (C) A licensee or permit holder shall not mislead the public and colleagues about services and shall not advertise in a misleading manner.
- (D) A licensee or permit holder shall not engage in any activities that seek to meet their personal needs at the expense or detriment of the health care recipient.
- (E) A licensee or permit holder shall not leave an assignment without being properly relieved by appropriate personnel.
- (F) A licensee or permit holder shall not receive or give a commission or rebate or any other form of direct or indirect remuneration or benefit for the referral of patients/clients for professional services.
- (G) A licensee or permit holder shall disclose to health care recipients any interest in commercial respiratory care enterprises which the licensee promotes for the purpose of direct or indirect personal gain or profit.
- (H) A licensee or permit holder shall not accept gratuities for any reason including but not limited to preferential consideration of the health care recipient.
- (I) A licensee or permit holder shall practice respiratory care within the scope of respiratory care as set forth in division (A) of section 4761.01 of the Revised Code and in accordance with acceptable and prevailing professional standards or guidelines and shall not endeavor to extend his/her practice beyond his/her competence and the authority vested in him/her under division (B) of section 4761.01 of the Revised Code.

- (1) The board may determine adherence to acceptable and prevailing professional

standards and guidelines for respiratory care practice by using:

- (a) Current respiratory care literature recognized by the board;
- (b) Position statements, standards of practice, or guidelines for respiratory care written by the board or other recognized national respiratory care professional organizations;
- (c) Board member expertise;
- (d) An expert witness;

(J) A licensee shall not employ, direct, or supervise a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures.

(K) A licensee or permit holder shall cooperate to the extent permitted by law with other licensed health care professionals responsible for providing care to cardiopulmonary patients, including:

- (1) Consulting with appropriate licensed practitioners responsible for prescribing therapy, treatment, or diagnostic services;
- (2) Notifying other care givers and the prescribing practitioner when a prescribed therapy, treatment, or diagnostic service is not administered due to reasons contained in paragraph (L) of this rule;
- (3) Recommending to other care givers and the prescribing practitioner when prescribed therapy, treatment, or diagnostic service needs to be altered to obtain optimal patient care.

(L) A licensee or permit holder shall not implement an order that ~~that~~ the respiratory care professional or limited permit holder believes or should have reason to believe is:

- (1) Inaccurate;
- (2) Not properly authorized;
- (3) Harmful, or potentially harmful to a health care recipient; or

- (4) Contraindicated by other documented information.
- (M) A licensee or permit holder shall disclose health care recipient information only with other health care professionals responsible for providing care to the health care recipient with whom the licensee or permit holder is responsible. At all other times, a licensee or permit holder shall hold as confidential all patient information which the licensee or permit holder has knowledge.
- (N) A licensee or permit holder shall access only health care recipient information which is necessary and relevant to their function and authority as a respiratory care provider.
- (O) A licensee or limited permit holder shall not falsify any health care recipient record or any other document prepared or utilized in the course of treating or rendering respiratory care.
- (P) A licensee or limited permit holder shall not engage in fraudulent billing for respiratory therapy or treatment.
- (Q) A licensee or permit holder shall not engage in behavior that may cause physical, verbal, mental, or emotional abuse to a health care recipient.
- (R) A licensee or permit holder shall not engage in behavior that may be reasonably interpreted as physical, verbal, mental, or emotional abuse to a health care recipient.
- (S) A licensee or permit holder shall not:
- (1) Engage in sexual conduct with a health care recipient under their care;
 - (2) Engage in conduct in the course of practice that may be reasonably interpreted as sexual conduct;
 - (3) Engage in verbal behavior in the course of practice that is seductive, or sexually demeaning to a health care recipient.
- (T) A licensee or permit holder, in connection with their employment in the practice of respiratory care, shall not self-administer or otherwise take into their body any dangerous drug, as defined in section 4729.01 (F) of the Revised Code, in any way that is not in accordance with a legal, valid prescription issued to them by a healthcare professional authorized by law to prescribe medications or

[self-administering or otherwise taking into their body any drug that is a schedule I controlled substance.](#)