

CHAPTER 9

REFUSAL AND DISCIPLINE

Section 1. Grounds for disciplinary actions. The Board may refuse to license any physical therapist or certify any physical therapist assistant on the grounds identified in 33-25-111. In addition, the Board may discipline or suspend or revoke the license of any physical therapist or certificate of any physical therapist assistant for:

- (a) Engaging in sexual misconduct defined as:
 - (i) Engaging in or soliciting any intimate, sexual, or otherwise exploitive behavior relationships, whether consensual or non-consensual, with a patient throughout the existence of a patient while a physical therapist/patient or physical therapist assistant/patient relationship exists;
 - (ii) Making sexual advances, either verbally or physically;
 - (iii) Requesting sexual favors;
 - (iv) Failing to obtain, document and maintain informed consent for any procedure which may be deemed “sexual” by a reasonable person;
 - (v) Engaging in any verbal or physical conduct which:
 - (A) Deviates from generally accepted and prevailing practices for any given patient care situation;
 - (B) Violates professional boundaries;
 - (C) Exploits the trust of a patient by performing a procedure or technique on the patient for which there is no clinically valid reason;
 - (vi) While providing clinically valid and generally acceptable treatment the license or certificate holder exploits a patient’s/client’s trust through conduct or physical contact of a sexual nature with the patient or client.
 - (vii) Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.