314A.225 Denial, suspension, probation, or revocation of certificate --
Grounds -- Administrative fine -- Reprimand or admonishment --
Reinstatement of certificate.

(1) The board may refuse to issue a certificate, or may suspend, revoke, impose
probationary conditions upon, impose an administrative fine, issue a written
reprimand or admonishment, or any combination thereof regarding any
certificate holder upon proof that the certificate holder has:

(a) Committed any crime, act of dishonesty, or corruption. If the act
constitutes a crime, conviction in a criminal proceeding is not a condition
precedent to disciplinary action. Upon conviction of the crime, the
judgment and sentence are presumptive evidence at the ensuing
disciplinary hearing of the guilt of the certificate holder or applicant.
Conviction includes all instances in which a plea of no contest is the basis
of conviction;

(b) Misrepresented or concealed a material fact in obtaining, renewing or
reinstating a certificate;

(c) Committed any unfair, false, misleading, or deceptive act or practice;

(d) Been incompetent or negligent in the practice of respiratory care;

(e) Violated any state statute or administrative regulation governing the
practice of respiratory care or any activities undertaken by a respiratory
care practitioner;

(f) Failed to comply with an order issued by the board or an assurance of
voluntary compliance;

(g) Violated the code of ethics as set forth in administrative regulations
promulgated by the board; or

(h) Violated any applicable provision of any federal or state law.

(2) One (1) year from the date of revocation, any person whose certificate has
been revoked may petition the board for reinstatement. The board shall
investigate the petition and may reinstate the certificate upon a finding that the
individual has complied with any terms prescribed by that board and is again
able to competently engage in the practice of respiratory care.

(3) The board may reconsider, modify, or reverse its probation, suspensions, or
other disciplinary actions.

(4) The surrender of a certificate shall not serve to deprive the board of jurisdiction
to proceed with disciplinary action under this chapter.

Effective: July 15, 2002

Acts ch. 201, sec. 11, effective July 13, 1990.