**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**313 MAINE BOARD OF DENTAL PRACTICE**

**Chapter 9: UNPROFESSIONAL CONDUCT**

**Summary:** This chapter sets forth unprofessional conduct that is subject to disciplinary action pursuant to 32 M.R.S. §18325(1)(E).

**I. UNPROFESSIONAL CONDUCT:** Unprofessional conduct under 32 M.R.S. §18325(1)(E) includes, but is not limited to, the following:

 A. Engaging in any activity which assists, encourages or induces any person to violate this Chapter or the rules of the Board.

 B. Engaging in sexual misconduct, as set forth in Board Rule Chapter 10.

 C. Obtaining any fee by fraud or misrepresentation.

 D. Dividing fees or agreeing to split fees received for dental services with any person for referring a patient or for assisting in the care of a patient, without the knowledge of the patient or the patient's representative.

 E. Prescribing any narcotic medication(s) by the licensee for himself/herself or to a family member or domestic partner with the exception of ongoing dental treatment by the licensee.

 F. Possessing, using, prescribing for use, or distributing controlled substances or prescription drugs in any way other than for dental therapeutic purposes. Controlled substances and prescription drugs in the possession of a licensee that are prescribed for the licensee by a medical practitioner legally licensed to so prescribe and which are being used for therapeutic purposes by the licensee are exempted from this rule.

 G. Inappropriately prescribing or administering of drugs or treatment, the excessive use of drugs for diagnostic procedures, or the excessive use of diagnostic or treatment procedures.

 H. Advertising either professional superiority or the performance of professional services in a superior manner.

 I. Using threats or harassment against any patient or former patient, employee or former employee, or licensee for providing evidence in any possible or actual disciplinary action or other legal action.

 J. Altering a patient's record with the intent to deceive.

 K. Failure of a licensee to adhere to the practice standards set forth in Board Rules, Chapter 12.

 L. Failure of a licensee to adhere to the ethical and professional conduct standards set forth in Board Rules, Chapter 12.

 M. Failure of a licensee to ensure that the appropriate licensure, authority, registration, and/or permit required under the *Maine Dental Practice Act* is obtained by an individual that is either supervised or employed by the licensee.

 N. Keeping or allowing any living animal, including domesticated pets or emotional support animals, in a practice setting, with the sole exception of fish aquariums. This section does not prevent the presence of a service animal as defined in the *Maine Human Rights Act*, 5 M.R.S. §§ 4551 – 4634 and the *Americans with Disabilities Act* 42 U.S.C. §§ 12101-12213 from being on the premises.

 O. Abandonment of a patient by a licensee before the completion of a phase of treatment.

 P. Delegation by a dentist of any dental activity not specified in 32 M.R.S. §18371(3).

 Q. Failure to respond to the Board regarding any matter for which a time frame is prescribed by statute or rule and/or failure to provide the Board with the records of treatment when requested by the Board.

 R. Violating a standard of care that has been established in the practice for which the individual is licensed under the *Maine Dental Practice Act*.

 S. Engaging in disruptive behavior that interferes with or is likely to interfere with the delivery of care.

STATUTORY AUTHORITY:

 32 M.R.S. §§ 18324, 18325(1).

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