**20:49:15:02.  Unprofessional conduct.** Unprofessional conduct includes:

 (1)  Failure to exercise technical competence in carrying out nursing facility administration;

 (2)  Failure to follow or enforce policies or procedures necessary to assure patient or resident welfare and safety;

 (3)  Failure to safeguard a patient's or resident's dignity and right to privacy;

 (4)  Violating the confidentiality of information or knowledge concerning a patient or resident;

 (5)  Mental, verbal, or physical abuse of a patient or resident;

 (6)  Using alcohol or other drugs to the extent that there is significant interference with job performance;

 (7)  Misuse of drug supplies, narcotics, or a patient's or resident's records;

 (8)  Falsifying a patient's or resident's records or intentionally charting incorrectly;

 (9)  Appropriating medications, supplies, or personal items of a patient or resident or agency;

 (10)  Forging a prescription or making a drug available to self, friends, or family members;

 (11)  Falsifying records submitted to the Board of Nursing Facility Administrators, Department of Health, or any other government agency;

 (12)  Delegating nursing facility administrator care, functions, tasks, or responsibilities to others contrary to SDCL chapter 36-28 or to the detriment of patient or resident safety;

 (13)  Failure to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed professional;

 (14)  Leaving a nursing facility administrator assignment or post without notifying a substitute;

 (15)  Assisting any other person to violate or circumvent any provision of SDCL chapter 36-28 or this article;

 (16)  Permitting an unlicensed person to use a nursing facility administrator license or permit for any purpose; and

 (17)  Having a license or certificate in a related health care discipline in this state or in another state denied, refused renewal, revoked, or suspended due to unprofessional conduct as defined in subdivisions (1) to (16), inclusive, of this section.

 **Source:** 8 SDR 24, effective September 16, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986; SL 2014, ch 186, § 53, effective July 1, 2014; 50 SDR 71, effective December 18, 2023.

 **General Authority:** SDCL 36-28-9.

 **Law Implemented:** SDCL 36-28-9, 36-28-12.1, 36-28-23.