

(9) [Intentionally uses] USES or promotes or causes the use of any misleading, deceiving, or untruthful advertising matter, or promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation;

(10) Commits any act of unprofessional conduct, as defined by the rules and regulations of the Board, or violates the code of ethics adopted by the Board;

(11) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(12) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any other state or country for an act that would be grounds for disciplinary action under this section;

(13) Practices dietetics with an unauthorized person or supervises or aids an unauthorized person in the practice of dietetics;

(14) [Willfully fails] FAILS to file or record any report or record as required by law in the practice of dietetics, [willfully] impedes or obstructs the filing or recording of the report or record, or induces another to fail to file or record the report or record;

(15) Submits a false statement to collect a fee;

(16) Is professionally, physically, or mentally incompetent; [or]

(17) Promotes the sale of devices, appliances, or goods to a patient so as to exploit the patient for financial gain; OR

(18) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD.

5-311.1.

(A) IF AFTER A HEARING UNDER § 5-312 OF THIS SUBTITLE THE BOARD FINDS THAT THERE ARE GROUNDS UNDER § 5-311 OF THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000:

(1) INSTEAD OF SUSPENDING THE LICENSE; OR

(2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE OR REPRIMANDING THE LICENSEE.

(B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE IMPOSITION OF PENALTIES UNDER THIS SECTION.

(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.