

## **21 NCAC 65 .1005 VIOLATIONS**

(a) Following an investigation, the Board shall determine whether a Compliance Violation has occurred.

- (1) As used in this Section, a "Compliance Violation" shall mean:
  - (A) A licensee's failure to pay required fee in accordance with Rule .0501 of this Chapter by the due date for Maintenance and Renewal/Continuing Education;
  - (B) A licensee's failure to submit Renewal/Continuing Education requirements by the Renewal due date prescribed by the Board and in accordance with Rules .0601 and .0602 of this Chapter; or
  - (C) A licensee practicing with an expired license for one month or less.
- (2) The Board shall allow a licensee that it determines has committed a Compliance Violation to enter into a "Corrective Action Plan." The Corrective Action Plan shall require the licensee to submit missing documents, a Reinstatement Application, and fee. in accordance with Rule .0501 of this Chapter. Each violation shall require the licensee to attend a "NCBRTL Compliance and Ethics" training session by a date specified by the Board. The Board shall notify the individual of the date in a letter.

(b) Following an investigation, the Board shall determine whether a Practice Violation has occurred.

- (1) As used in this Section, a "Practice Violation" shall mean:
  - (A) Practicing Recreational Therapy without a license from the Board;
  - (B) Actions by a licensee that caused a client or patient actual or potential harm;
  - (C) A licensee practicing beyond the scope of practice for recreational therapy;
  - (D) A licensee's failure to follow the physician's orders as prescribed for a client or patient;
  - (E) A licensee's violation of the ATRA Code of Ethics in the Standards of Practice in accordance with Rules .0203 and .0204 of this Chapter; or
  - (F) A licensee continuing to practice with an expired license for a period exceeding one month.
- (2) In the event the Board determines that a licensee or other individual has committed a Practice Violation, the Board shall issue one or more of the disciplinary sanctions set forth in Rule .1005 of this Section.

*History Note:* Authority G.S. 90C-32; 90C-36; 90C-37;  
Eff. October 1, 2017.