

SECTION .0600 – GROUNDS FOR DISCIPLINE AND DISCIPLINARY PROCEDURES

21 NCAC 68 .0601 GROUNDS FOR PROFESSIONAL DISCIPLINE

The following are grounds for discipline:

- (1) fraud or misrepresentation in procuring or maintaining a credential:
 - (a) acting as to practice, attempt to practice, or to supervise others while representing oneself to be a credentialed substance use disorder professional without being duly credentialed;
 - (b) falsely representing material fact to procure or maintain a credential, whether by word or conduct;
 - (c) concealing requested information contained in the application;
 - (d) attempting to file or filing any false or forged diploma, certificate, affidavit, transcript, identification or qualification;
 - (e) submitting material which is not the work product of the applicant;
 - (f) knowingly assisting another to procure or maintain their credential on the basis of fraud; or
 - (g) assisting any uncredentialed person to practice as a credentialed substance use disorder professional in violation of this code.
- (2) fraud or misrepresentation to the public:
 - (a) knowingly make misleading, deceptive, false, or fraudulent misrepresentations in the practice of the profession;
 - (b) advertising or holding oneself out to the public to provide professional services for which he or she is not credentialed; or
 - (c) pursuing an illegal practice as set forth in G.S. 90-113.43.
- (3) knowingly make misleading, deceptive, false, or fraudulent representations to the Board;
- (4) exploitation of a relationship with client or person served:
 - (a) entering into a professional relationship in violation of Rule .0509 of this Chapter;
 - (b) participating in or soliciting sexual activity or sexual contact with a current or former client or client of one's agency in violation of Rule .0509 of this Chapter; and
 - (c) entering into personal financial arrangements with a client or person served in violation of Rule .0511 of this Chapter.
- (5) illegal acts or practices:
 - (a) violation of Rule .0508 of this Chapter;
 - (b) conviction for violating any controlled substances law or any driving while impaired law; or
 - (c) being an accessory to or participating in dishonesty, fraud, misrepresentation, or any other illegal act involving a client or person served.
- (6) professional incompetency or failure to meet standards of practice:
 - (a) failure to follow the standards of skill and competence possessed and applied by professional peers credentialed in this State acting in the same or similar circumstances;
 - (b) practicing outside their scope of practice.
 - (c) use of drugs including alcohol to the extent that professional competency is affected or that the professional suffers impairment; or
 - (d) refusal to seek treatment for chemical dependency or mental health problems which impair professional performance.
- (7) In professional relationships, the following are prohibited:
 - (a) knowingly offering professional services to a client in a professional relationship with another substance use disorder professional except with the knowledge of the other professional or after the termination of the client's relationship by the other professional;
 - (b) sending or receiving any form of remuneration for referral of clients or persons served for substance use disorder treatment services from the professional to whom the referral was made;
 - (c) accepting from or charging the client a fee for a referral to another substance use disorder professional;
 - (d) accepting or charging a fee when no substance use disorder professional services are actually provided; except actual costs for copies and administrative services may be recovered; or

- (e) failing to cooperate with the investigations and proceedings of any professional ethics committee unless the failure is within the exercise of the professional's constitutional rights.

History Note: Authority G.S. 90-113.33; 90-113.39; 90-113.40; 90-113.42; 90-113.43; 90-113.44; 90-113.45;
Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Amended Eff. April 1, 2011; August 1, 2000;
Readopted Eff. October 1, 2020.