21 NCAC 10 .0504 DRUG TESTING

(a) Reasonable Suspicion. The Secretary of the Board may require a licentiate to submit to drug or blood alcohol testing if there is reasonable suspicion that the licentiate is consuming drugs or alcohol to such an extent or with such frequency as to impair the ability to treat patients. For purposes of this Rule, reasonable suspicion exists when:

(1) The licentiate is cited or arrested on drug-related criminal charges;

(2) The licentiate admits to the Board or to a judicial tribunal that the licentiate has abused alcohol or prescription drugs or consumed illicit drugs; or

(3) The Secretary receives the sworn affidavit of a credible witness stating that the witness personally observed the licentiate in the licentiate's chiropractic office during business hours and the licentiate's behavior was erratic, unprofessional, and apparently influenced by drug or alcohol consumption.

(b) Approved Laboratory. Any drug test required by the Secretary shall be conducted by an approved laboratory in accordance with the protocol set forth in Article 20, Chapter 95 of the General Statutes, Controlled Substance Examination Regulation.

(c) Reporting Results. The results of a licentiate's drug test shall be reported directly to the Secretary by the laboratory conducting the test and shall not be disclosed to any person other than the licentiate except for use as evidence in Board disciplinary actions or when disclosure is mandated by law.

(d) Right to Dispute Results. In any Board disciplinary proceeding in which a licentiate's drug test results are introduced into evidence, including a preliminary hearing before the Chiropractic Review Committee, the licentiate may dispute the accuracy of the test results.

(e) Effect of Refusal. A licentiate's refusal to submit to a drug test required by the Secretary pursuant to this Rule shall be considered the concealment of information about a matter affecting licensure, in violation of G.S. 90-154(b)(19).

History Note: *Authority G.S. 90-142; 90-154;*
Eff. October 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Readopted Eff. April 1, 2026.