

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 abuse 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 his or her credential on the basis of fraud; or
 - (g) Assisting any uncredentialed person to practice as a credentialed substance abuse 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; or
 - (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;
 - (c) Entering into personal financial arrangements with a client or person served in violation of Rule .0511 or any other Rule.
- (5) Illegal acts or practices:
 - (a) Violation of federal or state confidentiality statutes;
 - (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 certified in this State acting in the same or similar circumstances;
 - (b) Practicing outside his or her scope of practice;
 - (c) Use of drugs including alcohol to the extent that professional competency is affected or that the professional suffers impairment;
 - (d) Refusal to seek treatment for chemical dependency or mental health problems which impair professional performance; or
 - (e) Engaging in conduct that an ordinary, reasonable, and prudent person could foresee would result in harm or injury to the public.
- (7) In professional relationships, the following are prohibited:
 - (a) Knowingly offering professional services to a client in a professional relationship with another substance abuse 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 abuse 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 abuse professional;
 - (d) Accepting or charging a fee when no substance abuse 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; 90-113.37; 90-113.39; 90-113.40; 90-113.42; 90-113.43; 90-113.44; 90-113.45; 90-338;
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.