

**21 NCAC 68 .0606 EFFECT OF ACTIONS OF COURT OR OF OTHER PROFESSIONAL GROUPS**

- (a) If a person credentialed or applying for a credential from the Board has been disciplined by another professional organization or convicted of a felony or a misdemeanor, the ethics committee or the Board may take this prior record into consideration when imposing disciplinary sanctions.
- (b) When such prior discipline is discovered, it shall be referred to the ethics committee and shall be treated by the ethics committee in the same manner as a complaint.
- (c) Such prior discipline or conviction as described in Paragraph (a) of this Rule shall be presumed to be correct and appropriate. In order to overcome this presumption, the respondent shall prove to the committee's or the Board's satisfaction at least one of the following:
  - (1) The process was so flawed that the finding of the court, organization or board is without basis; or
  - (2) Following an investigation by the Board, the disciplinary action by the court, organization or board does not bear a reasonable relation to the conduct complained of resulting in undue punishment.
- (d) Registrants and certified professionals shall notify the Board within 30 days from the date of any conviction or finding of guilt, or pleading of nolo contendere for all criminal convictions. This reporting shall include DWI convictions but exclude all other traffic convictions pursuant to G.S. 20.
- (e) Failure to report these criminal convictions shall be considered a violation of the ethical principles of conduct.

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40; 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; April 1, 2003.*