

## PROFESSIONAL AND OCCUPATIONAL LICENSURE RESTRICTIONS

This memorandum provides statutory references relating to professional and occupational licensure boards' restrictions including those involving a criminal conviction. Nearly all of the occupations and professions in North Dakota Century Code Title 43 either bar licensure for a criminal conviction, authorize the corresponding board to revoke an individual's licensure upon a criminal conviction, or allow for consideration of a criminal offense at the time of licensure or renewal. Section 12.1-33-02.1 provides "a person may not be disqualified to practice, pursue, or engage in any occupation, trade, or profession for which a license, permit, certificate, or registration is required from any state agency, board, commission, or department solely because of prior conviction of an offense. However, a person may be denied a license, permit, certificate, or registration because of prior conviction of an offense if it is determined that such person has not been sufficiently rehabilitated, or that the offense has a direct bearing upon a person's ability to serve the public in the specific occupation, trade, or profession." The following schedule identifies the statutory restrictions for each professional or occupation licensure group listed.

Occupation and Professional Licenses	North Dakota Century Code Section	Licensure Restrictions
Acupuncturist	43-61-05	<p>Application for licensure.</p> <ol style="list-style-type: none"> <li>1. An applicant for acupuncture licensure shall file an application on forms provided by the board showing to the board's satisfaction that the applicant is of good moral character and satisfied all of the requirements of this chapter and chapter 43-57, including:               <ol style="list-style-type: none"> <li>a. Successful completion of an approved acupuncture program;</li> <li>b. Successful completion of an examination prescribed or endorsed by the board, such as the national certification commission for acupuncture and oriental medicine;</li> <li>c. Physical, mental, and professional capability for the practice of acupuncture in a manner acceptable to the board; and</li> <li>d. A history free of any finding by the board, any other state licensure board, or any court of competent jurisdiction of the commission of any act that would constitute grounds for disciplinary action under this chapter and chapter 43-57. The board may modify this restriction for cause.</li> </ol> </li> </ol>
Addiction Counselor	43-45-07.1	<p>Grounds for disciplinary proceedings.</p> <ol style="list-style-type: none"> <li>1. The board may deny an application and may refuse to renew, suspend, revoke, or place on probationary status any license issued under this chapter on proof at a hearing the applicant or holder of the license engaged in unprofessional conduct. Unprofessional conduct includes:               <ol style="list-style-type: none"> <li>a. Obtaining an initial license or renewal by means of fraud, misrepresentation, or concealment of material facts.</li> <li>b. Violating rules set by the board.</li> <li>c. Violating a provision of this chapter.</li> <li>d. Violating the professional code of conduct as adopted by the board.</li> <li>e. Being adjudged guilty of an offense determined by the board to have a direct bearing on an applicant's or holder of the license's ability to provide addiction counseling to the public as a licensee or being adjudged guilty of any offense and being insufficiently rehabilitated as determined by the board under section 12.1-33-02.1.</li> </ol> </li> </ol>
Advanced Practice Registered Nurse	43-12.5-01	<p><b>ADVANCED PRACTICE REGISTERED NURSE LICENSURE COMPACT</b></p> <p>Advance practice registered nurse licensure company.</p> <p><b>ARTICLE II - DEFINITIONS</b></p> <ol style="list-style-type: none"> <li>4. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an advanced practice registered nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting an advanced practice registered nurse's authorization to practice, including the issuance of a cease and desist action.</li> </ol> <p><b>ARTICLE III - GENERAL PROVISIONS AND JURISDICTION</b></p> <ol style="list-style-type: none"> <li>1. A state must implement procedures for considering the criminal history records of applicants for initial advanced practice registered nurse licensure or advanced practice registered nurse licensure by endorsement. Such procedures must include the submission of fingerprints or other biometric-based information by advanced practice registered nurse applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records.</li> </ol>

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Athletic Trainer	43-39-10	<p>9. All party states are authorized, in accordance with state due process laws, to take adverse action against an advanced practice registered nurse's multistate licensure privilege such as revocation, suspension, probation, or any other action that affects an advanced practice registered nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it promptly shall notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system promptly shall notify the home state of any such actions by remote states.</p> <p><b>ARTICLE IV - APPLICATIONS FOR ADVANCED PRACTICE REGISTERED NURSE LICENSURE IN A PARTY STATE</b></p> <p>1. Upon application for an advanced practice registered nurse multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held or is the holder of a licensed practical/vocational nursing license, a registered nursing license, or an advanced practice registered nurse license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant, and whether the applicant is currently participating in an alternative program.</p> <p>Grounds for denial, suspension, or revocation of license - Application of chapter.</p> <p>1. The board may refuse to issue a license to an applicant or may suspend or revoke the license of a licensee if the applicant or licensee:</p> <ul style="list-style-type: none"> <li>a. Has been convicted of a felony or misdemeanor involving moral turpitude, the record of a conviction being conclusive evidence of conviction.</li> <li>b. Uses alcohol or narcotic drugs to the extent that the use affects the person's professional competency.</li> <li>c. Has obtained or attempted to obtain a license by fraud, deceit, or material misrepresentation.</li> <li>d. Is guilty of treating or undertaking to treat an individual's injury or illness, except as authorized pursuant to this chapter, or undertaking to practice independent of the guidance or rehabilitation order of a licensed physician, or is guilty of any act derogatory to the dignity and morals of the profession of athletic training.</li> </ul>
Chiropractor	43-06-15	<p>Grounds for revocation or suspension of license or other action of the board - Sworn statement - Investigation - Hearing.</p> <p>1. The board may revoke, suspend, or take such other action as provided in this section regarding the license of any chiropractor in this state who:</p> <ul style="list-style-type: none"> <li>a. Has a mental or physical condition such that the person is unable to safely engage in the practice of chiropractic.</li> <li>b. Has been declared incompetent or seriously mentally ill by a court of competent jurisdiction and thereafter has not been declared competent or released from supervision.</li> <li>c. Is suffering from alcoholism or drug addiction which endangers the public by impairing the chiropractor's ability to practice safely.</li> <li>d. Procured the license to practice by fraud or mistake.</li> <li>e. Has engaged in unprofessional or dishonorable conduct, including false or misleading advertising, rendering excessive or inappropriate treatment, or charging unconscionable fees.</li> <li>f. Has been convicted of a crime involving moral turpitude, illegal possession or distribution of drugs, or any crime that would affect the person's ability to practice as a licensed chiropractor. A copy of the record of conviction or plea of guilty or nolo contendere is conclusive evidence.</li> <li>g. Has aided, assisted, or enabled any unlicensed person to practice chiropractic contrary to this chapter or rule of the board.</li> <li>h. Has engaged in the practice of abortion.</li> <li>i. Has made use of any advertising statement of a character tending to deceive or mislead the public.</li> <li>j. Has failed to maintain a chiropractic facility in safe and sanitary conditions.</li> <li>k. Has incurred a suspension or revocation in another jurisdiction as a result of acts similar to acts described in this section or rule of the board. A certified copy of the suspension or revocation in the other jurisdiction is conclusive evidence.</li> <li>l. Has committed any violation of the provisions of this chapter and the code of ethics or rules as adopted by the board, including the failure to submit for physical or mental examination or to provide information as required by the board.</li> <li>m. Has practiced chiropractic while the license to practice was suspended or revoked.</li> <li>n. Has, while under probation, violated its terms.</li> <li>o. Has failed to properly supervise a certified chiropractic clinical assistant or who has delegated duties to a certified chiropractic clinical assistant which are beyond the assistant's education or training or which are beyond the scope of practice of a certified chiropractic clinical assistant.</li> </ul>

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Clinical Laboratory Personnel	43-48-15	<p>Supervision and revocation of license - Refusal to renew.</p> <ol style="list-style-type: none"> <li>1. The board may deny, refuse to renew, suspend, or revoke a license or permit, or may impose probationary conditions if the licensee or permittee or applicant for a license or permit has been found to have committed unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Unprofessional conduct includes:               <ol style="list-style-type: none"> <li>a. Obtaining or attempting to obtain a license by means of fraud, deceit, misrepresentation, or concealment of facts.</li> <li>b. Being convicted of an offense, as defined by section 12.1-01-04, and which the board determines has a direct bearing upon a person's ability to serve the public as a licensed clinical laboratory personnel or, following the conviction of any offense, if the board determines that the person is not sufficiently rehabilitated.</li> <li>c. Violating any lawful order or rule rendered or adopted by the board.</li> <li>d. Violating any provision of this chapter.</li> </ol> </li> </ol>
Cosmetologist	43-11-31	<p>License - Refusal to grant - Grounds.</p> <p>The board may deny an application or discipline a licensee on any of the following grounds:</p> <ol style="list-style-type: none"> <li>1. Fraud in passing the examination.</li> <li>2. Conviction of an offense determined by the board to have a direct bearing upon a person's ability to serve the public in a profession licensed by the board, or, following conviction of any offense, the board determines the person is not sufficiently rehabilitated under section 12.1-33-02.1.</li> <li>3. Grossly unprofessional or dishonest conduct.</li> <li>4. Addiction to the use of intoxicating liquor or drugs to such an extent as to render the person unfit to practice cosmetology.</li> <li>5. Advertising by means of knowingly false or deceptive statements.</li> <li>6. Failure to display the license as provided in this chapter.</li> <li>7. Violation of the provisions of this chapter or the rules adopted by the board.</li> <li>8. Permitting an unlicensed person to practice cosmetology, manicuring, skin care, or teaching in a cosmetology salon or school of cosmetology.</li> </ol>
Counselor	43-47-07	<p>Disciplinary proceedings.</p> <p>The board may deny, refuse to renew, suspend, or revoke any license issued under this chapter upon finding by a preponderance of the evidence that the applicant or licenseholder:</p> <ol style="list-style-type: none"> <li>1. Has been convicted of an offense determined by the board to have a direct bearing upon the individual's ability to practice counseling and is not sufficiently rehabilitated as determined by the board in accordance with section 12.1-33-02.1;</li> <li>2. Has been grossly negligent in the practice of counseling and has injured a client or other person to whom the individual owed a duty; or</li> <li>3. Has violated any rule of the board.</li> </ol>
Dental Hygienist or Assistant	43-28-18	<p>Grounds for denial of or disciplinary action against license and certificate.</p> <p>The board may deny an application or take disciplinary action against the license and the certificate of registration of any applicant or dentist who has:</p> <ol style="list-style-type: none"> <li>1. Engaged in dishonorable, unprofessional, or immoral conduct.</li> <li>2. Been convicted of an offense determined by the board to have a direct bearing upon the individual's ability to serve the public as a dentist, or the board determines, following conviction for any offense, that the individual is not sufficiently rehabilitated under section 12.1-33-02.1.</li> <li>3. Been adjudged mentally ill and not judicially restored by the regularly constituted authorities.</li> <li>4. Abused, is dependent on, or addicted to the use of alcohol or drugs.</li> <li>5. Employed or permitted an unlicensed individual to practice dentistry in the office under the dentist's control.</li> <li>6. Been grossly negligent in the practice of dentistry.</li> <li>7. Engaged in fraud or deceit in obtaining the license or in the practice of dentistry.</li> <li>8. Disclosed confidential information.</li> </ol>

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		<ol style="list-style-type: none"> <li>9. Shared any professional fee with anyone or paid anyone for sending or referring patients to the dentist. However, this does not prohibit dentists from practicing in a partnership and sharing one another's professional fees, nor prohibit a dentist from employing any other dentist or dental hygienist.</li> <li>10. Used any advertising of any character tending to mislead and deceive the public, including advertising the public could reasonably interpret as indicating the dentist is qualified to practice a dental specialty, if the practice of that dental specialty would be outside the scope of practice for which the dentist is qualified to practice.</li> <li>11. Failed to meet minimum standards of professional competence.</li> <li>12. Prescribed, administered, or dispensed medications for reasons or conditions outside the scope of dental practice.</li> <li>13. Fraudulently, carelessly, negligently, or inappropriately prescribed drugs or medications.</li> <li>14. Directed others to perform acts or provide dental services for which they were not licensed or qualified or were prohibited by law or rule from performing or providing.</li> <li>15. Submitted fraudulent insurance claims.</li> <li>16. Made any false or untrue statements in an application for an examination to obtain a license to practice dentistry.</li> <li>17. Made any false representations that the individual is the holder of a license or certificate of registration to practice dentistry.</li> <li>18. Made any false claims that the individual is a graduate of a dental college or the holder of any diploma or degree from a dental college.</li> <li>19. Failed to comply with commonly accepted national infection control guidelines and standards.</li> <li>20. Abandoned the dentist's practice in violation of rules adopted by the board.</li> <li>21. Failed to report to the board as required under section 43-28-18.1.</li> <li>22. Failed to practice within the scope of that dentist's education or advanced training as recognized by the board, the American dental association, or other professional entity recognized by the board.</li> <li>23. Failed to release copies of dental or medical records requested by a patient of record or violated section 23-12-14. Dental records may include any document, charting, study models, doctor's notations, billing information, insurance document or combination of documents that pertains to a patient's medical history, diagnosis, prognosis, or medical condition, which is generated and maintained in the process of the patient's dental health care treatment.</li> <li>24. Advised or directed patients to dental laboratories or dental laboratory technicians for any dental service or advised or directed patients to deal directly with laboratories or dental laboratory technicians without first having furnished the dental laboratory or dental laboratory technician a written prescription.</li> <li>25. Worked or cooperated with dental laboratories that advertise for public patronage by delegating work to such laboratories in return for the referral of laboratory patrons for professional services.</li> <li>26. Used the services of a person or entity not licensed to practice dentistry in this state, or constructed, altered, repaired, or duplicated a denture, plate, partial plate, bridge, splint, or orthodontic or prosthetic appliance, except as provided by rule adopted by the board.</li> <li>27. Violated the code of ethics adopted by the board by rule.</li> <li>28. Violated this chapter or rules adopted by the board.</li> <li>29. Had the applicant's or dentist's license suspended, revoked, or disciplined in another jurisdiction.</li> </ol>
Dentist	43-28-11.1	<p>Conviction not bar to licensure - Exceptions.</p> <p>Conviction of an offense does not disqualify a person from licensure under this chapter unless the board determines that the offense has a direct bearing upon a person's ability to serve the public as a dentist, or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.</p>
Dietician or Nutritionist	43-44-15	<p>Suspension and revocation of license - Refusal to renew.</p> <ol style="list-style-type: none"> <li>1. The board may deny a license, refuse to renew a license, suspend a license, or revoke a license, or may impose probationary conditions on a licensee if the licensee or applicant has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Unprofessional conduct includes:             <ol style="list-style-type: none"> <li>a. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.</li> </ol> </li> </ol>

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Genetic Counselor	43-60-07	<p>b. Being guilty of unprofessional conduct as defined by rules adopted by the board, or violating any code of ethics adopted by the academy of nutrition and dietetics or its predecessor or successor organization.</p> <p>c. Being convicted of an offense, as defined by section 12.1-01-04, that the board determines has a direct bearing upon a person's ability to serve the public as a licensed registered dietitian or a licensed nutritionist or, following conviction of any offense, if the board determines that the person is not sufficiently rehabilitated under section 12.1-33-02.1.</p> <p>d. Violating any lawful order or rule of the board.</p> <p>e. Violating this chapter.</p> <p>Disciplinary actions.</p> <p>1. The board may cancel, revoke, suspend, or restrict the license of a genetic counselor; may issue public reprimands; and may issue fines, not to exceed one thousand dollars, if the board is satisfied by proof by a preponderance of the evidence, in compliance with chapter 43-17, of any of the following grounds for disciplinary action:</p> <ul style="list-style-type: none"> <li>a. The use of any false, fraudulent, or forged statement or document or the use of any fraudulent, deceitful, dishonest, or immoral practice in connection with any of the licensing requirements.</li> <li>b. The making of false or misleading statements by a genetic counselor about the counselor's skill.</li> <li>c. The conviction of any misdemeanor determined by the board to have a direct bearing upon the genetic counselor's ability to serve the public as a practitioner of genetic counseling.</li> <li>d. The conviction of a felony, if the requirements of section 12.1-33-02.1 are met.</li> <li>e. Habitual use of alcohol or drugs.</li> <li>f. Physical or mental disability materially affecting the ability to perform the duties of a genetic counselor in a competent manner.</li> <li>g. The performance of any dishonorable, unethical, or unprofessional conduct likely to deceive, defraud, or harm the public.</li> <li>h. Obtaining any fee by fraud, deceit, or misrepresentation.</li> <li>i. Aiding or abetting the practice of genetic counseling by an unlicensed, incompetent, or impaired person.</li> <li>j. The violation of any provision of this chapter or the rules adopted by the board or the violation of any action, stipulation, condition, or agreement imposed by the board or the board's investigative panels.</li> <li>k. The practice of genetic counseling under a false or assumed name.</li> <li>l. The advertising for the practice of genetic counseling in an untrue or deceptive manner.</li> <li>m. The willful or negligent violation of the confidentiality between genetic counselor and patient, except as required by law.</li> <li>n. Gross negligence in the practice of genetic counseling.</li> <li>o. Sexual abuse, misconduct, or exploitation related to the genetic counselor's practice of genetic counseling.</li> <li>p. The use of any false, fraudulent, or deceptive statement in any document connected with the practice of genetic counseling.</li> <li>q. The imposition by another state or jurisdiction of disciplinary action against a license or other authorization to practice genetic counseling based upon acts or conduct by the genetic counselor which would constitute grounds for disciplinary action as set forth in this section. A certified copy of the record of the action taken by the other state or jurisdiction is conclusive evidence of that action.</li> <li>r. The failure to furnish the board or the board's investigative panel or the board's or investigative panel's investigators or representatives information legally requested by the board or the investigative panel.</li> </ul>
Individual licensed by Board of Integrative Health Care	43-57-08	<p>Discipline.</p> <p>2. Disciplinary action may be imposed against a licensee upon any of the following grounds:</p> <ul style="list-style-type: none"> <li>a. The use of any false, fraudulent, or forged statement or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice, in connection with any of the licensing requirements.</li> <li>b. The making of false or misleading statements about the licensee's skill or the efficacy of any medicine, treatment, or remedy.</li> <li>c. The conviction of any misdemeanor determined by the board to have a direct bearing upon the licensee's ability to serve the public or any felony. A license may not be withheld contrary to the provisions of chapter 12.1-33.</li> </ul>

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Medical Imaging and Radiation Therapist	43-62-19	<p>d. Habitual use of alcohol or drugs.</p> <p>e. Physical or mental disability materially affecting the ability to perform the duties of the profession in a competent manner.</p> <p>f. The performance of any dishonorable, unethical, or unprofessional conduct likely to deceive, defraud, or harm the public.</p> <p>g. Obtaining any fee by fraud, deceit, or misrepresentation.</p> <p>h. Aiding or abetting the practice of the profession by an unlicensed, incompetent, or impaired person.</p> <p>i. The violation of any provision of the rules of the board, or any action, stipulation, condition, or agreement imposed by the board.</p> <p>j. The practice of the profession under a false or assumed name.</p> <p>k. The advertising for the practice of the profession in an untrue or deceptive manner.</p> <p>l. The representation to a patient that a manifestly incurable condition, sickness, disease, or injury can be cured.</p> <p>m. The willful or negligent violation of the confidentiality between licensee and patient, except as required by law.</p> <p>n. Gross negligence in the practice of the profession.</p> <p>o. Sexual abuse, misconduct, or exploitation related to the licensee's practice of the profession.</p> <p>p. A continued pattern of inappropriate care.</p> <p>q. The imposition by another state or jurisdiction of disciplinary action against a license or other authorization to practice based upon acts or conduct by the licensee which would constitute grounds for disciplinary action as set forth in this section. A certified copy of the record of the action taken by the other state or jurisdiction is conclusive evidence of that action.</p> <p>r. The lack of appropriate documentation in medical records for diagnosis, testing, and treatment of patients.</p> <p>Grounds for disciplinary action.</p> <p>Disciplinary action may be imposed against a licensee upon any of the following grounds:</p> <ol style="list-style-type: none"> <li>1. The use of any false, fraudulent, or forged statement or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice, in connection with any of the licensing requirements.</li> <li>2. The conviction of any misdemeanor determined by the board to have a direct bearing upon an individual's ability to serve the public as a licensee or of any felony. A license may not be withheld contrary to chapter 12.1-33.</li> <li>3. Habitual use of alcohol or drugs.</li> <li>4. Physical or mental disability materially affecting the ability to perform the duties of a medical imaging or radiation therapy professional in a competent manner.</li> <li>5. The performance of any dishonorable, unethical, or unprofessional conduct likely to deceive, defraud, or harm the public.</li> <li>6. Aiding or abetting the performance of medical imaging or radiation therapy by an unlicensed, incompetent, or impaired individual.</li> <li>7. The violation of any provision of this chapter, any rule of the board, or any federal or state law applicable to the practice of medical imaging or radiation therapy, or any action, stipulation, limitation, condition, or agreement imposed by the board or its investigative panels.</li> <li>8. The performance of medical imaging or radiation therapy under a false or assumed name.</li> <li>9. The willful or negligent violation of the confidentiality between medical imaging or radiation therapy professional and patient, except as required by law.</li> <li>10. Gross negligence in the performance of medical imaging or radiation therapy.</li> <li>11. Sexual abuse, misconduct, or exploitation related to the licensee's performance of medical imaging or radiation therapy.</li> <li>12. The use of any false, fraudulent, or deceptive statement in any document connected with the performance of medical imaging or radiation therapy.</li> <li>13. The failure to maintain in good standing, including completion of continuing education or recertification requirements, a certification from a certification organization recognized by the board for the medical imaging or radiation therapy modality for which a license has been issued by the board.</li> <li>14. The imposition by another state, jurisdiction, or certification organization recognized by the board of disciplinary action against a license, certification, or other authorization to perform medical imaging or radiation therapy based upon acts or conduct by the medical imaging or radiation therapy professional which would constitute grounds for disciplinary action under this section. A certified copy of the record of the action taken by the other state, jurisdiction, or certification organization is conclusive evidence of that action.</li> </ol>

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Message Therapist	43-25-10	<p>15. The failure to furnish the board or the investigative panel or investigators or representatives of the board or investigative panel information legally requested by the board or the investigative panel. The board shall keep a record of its proceedings in a disciplinary action or refusal to issue a license, together with the evidence offered.</p> <p>Disciplinary actions - Complaints.</p> <ol style="list-style-type: none"> <li>1. The license of a massage therapist may be denied, revoked, suspended, or placed on probation for any of the following grounds:               <ol style="list-style-type: none"> <li>a. The licensee is guilty of fraud in the practice of massage or fraud or deceit in admission to the practice of massage.</li> <li>b. The licensee has been convicted of an offense determined by the board to have a direct bearing upon a person's ability to serve the public as a massage therapist, or, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1. The conviction of an offense includes conviction in any jurisdiction in the United States of any offense, which if committed within this state would constitute an offense under this state's laws.</li> <li>c. The licensee is engaged in the practice of massage under a false or assumed name, or is impersonating another practitioner of a like or different name.</li> <li>d. The licensee is addicted to the habitual use of intoxicating liquors, or other legal or illegal drugs, to the extent the licensee is compromised or impaired from performing the professional duties of a massage therapist or is under the influence while assessing, treating, or seeing a client.</li> <li>e. The licensee is guilty of untrue, fraudulent, misleading, or deceptive advertising, the licensee prescribes medicines, drugs, or the licensee infringes on any other licensed profession.</li> <li>f. The licensee is guilty of gross negligence in the practice of massage, or is guilty of employing, allowing, or permitting any unlicensed person to perform massage in the licensee's establishment.</li> <li>g. The licensee has violated this chapter or any rule adopted by the board.</li> </ol> </li> </ol>
Nurse	43-12.1-14	<p>Grounds for discipline - Penalties.</p> <p>The board may deny, limit, revoke, encumber, or suspend any license or registration to practice nursing issued by the board or applied for in accordance with this chapter; reprimand, place on probation, or otherwise discipline a licensee, registrant, or applicant; deny admission to licensure or registration examination; require evidence of evaluation and treatment; or issue a nondisciplinary letter of concern to a licensee, registrant, or applicant, upon proof that the person:</p> <ol style="list-style-type: none"> <li>1. Has been arrested, charged, or convicted by a court, or has entered a plea of nolo contendere to a crime in any jurisdiction that relates adversely to the practice of nursing and the licensee or registrant has not demonstrated sufficient rehabilitation under section 12.1-33-02.1;</li> <li>2. Has been disciplined by a board of nursing in another jurisdiction, or has had a license or registration to practice nursing or to assist in the practice of nursing or to practice in another health care occupation or profession denied, revoked, suspended, or otherwise sanctioned;</li> <li>3. Has engaged in any practice inconsistent with the standards of nursing practice;</li> <li>4. Has obtained or attempted to obtain by fraud or deceit a license or registration to practice nursing, or has submitted to the board any information that is fraudulent, deceitful, or false;</li> <li>5. Has engaged in a pattern of practice or other behavior that demonstrates professional misconduct;</li> <li>6. Has diverted or attempted to divert supplies, equipment, drugs, or controlled substances for personal use or unauthorized use;</li> <li>7. Has practiced nursing or assisted in the practice of nursing in this state without a current license or registration or as otherwise prohibited by this chapter;</li> <li>8. Has failed to report any violation of this chapter or rules adopted under this chapter; or</li> <li>9. Has failed to observe and follow the duly adopted standards, policies, directives, and orders of the board, or has violated any other provision of this chapter.</li> </ol>
Optometrist	43-13-22	<p>License - When revoked.</p> <p>The board may revoke or suspend any license granted by it under the provisions of this chapter when it appears to the satisfaction of the majority of the members that the holder of the license:</p> <ol style="list-style-type: none"> <li>1. Has violated any provisions of this chapter, the rules and regulations of the board, or committed an offense determined by the board to have a direct bearing upon a holder's ability to serve the public as an optometrist, or when the board determines, following conviction of a holder for any other offense, that the holder is not sufficiently rehabilitated under section 12.1-33-02.1;</li> <li>2. Has sold or distributed any drug legally classified as a controlled substance or as an addictive or dangerous drug;</li> </ol>

Occupation and Professional Licenses	North Dakota Century Code Section	Licensure Restrictions
Pharmacist	43-15-18.1	<p>3. Has been addicted to the excessive use of intoxicating liquor or a controlled substance for at least six months immediately prior to the filing of the charges;</p> <p>4. Is afflicted with any contagious or infectious disease;</p> <p>5. Is grossly incompetent to discharge the holder's duties in connection with the practice of optometry;</p> <p>6. Has employed fraud, deceit, misrepresentation, or fraudulent advertising in the practice of optometry; or</p> <p>7. Is engaged in the practice of optometry by being directly or indirectly employed by any person other than a licensed optometrist, a physician licensed under chapter 43-17, a hospital, or a clinic operated by licensed optometrists or by licensed physicians.</p> <p>Conviction not bar to license - Exceptions.</p> <p>Conviction of an offense does not disqualify a person from licensure under this chapter unless the board determines that the offense has a direct bearing upon a person's ability to serve the public as a pharmacist or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.</p>
Physical Therapist	43-26.1-13	<p>Grounds for disciplinary actions.</p> <p>The board may refuse to license any physical therapist or physical therapist assistant, may discipline, or may suspend or revoke the license of any physical therapist or physical therapist assistant for any of the following grounds:</p> <ol style="list-style-type: none"> <li>1. Violating any provision of this chapter, board rules, or a written order of the board.</li> <li>2. Practicing or offering to practice beyond the scope of the practice of physical therapy.</li> <li>3. Failing to refer a patient or client to an appropriate practitioner if the diagnostic process reveals findings that are outside the scope of a physical therapist's knowledge, experience, or expertise.</li> <li>4. Obtaining or attempting to obtain a license by fraud or misrepresentation.</li> <li>5. Engaging in the performance of substandard physical therapy care due to a deliberate or negligent act or failure to act, regardless of whether actual injury to the patient is established.</li> <li>6. Engaging in the performance of substandard care by a physical therapist assistant, including exceeding the authority to perform components of intervention selected by the supervising physical therapist regardless of whether actual injury to the patient is established.</li> <li>7. Failing to supervise physical therapist assistants or physical therapy aides in accordance with this chapter and board rules.</li> <li>8. A determination by the board that a licensee's conviction of an offense has a direct bearing on the licensee's ability to serve the public as a physical therapist or physical therapist assistant or that, following conviction of any offense, the holder is not sufficiently rehabilitated as provided under section 12.1-33-02.1.</li> <li>9. Practicing as a physical therapist or working as a physical therapist assistant when physical or mental abilities are impaired by the use of controlled substances or other habit-forming drugs, chemicals, alcohol, or by other causes.</li> <li>10. Having had a license revoked or suspended, other disciplinary action taken, or an application for licensure refused, revoked, or suspended by the proper authorities of another state, territory, or country.</li> <li>11. Engaging in sexual misconduct. For the purpose of this subsection sexual misconduct includes:             <ol style="list-style-type: none"> <li>a. Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant-patient relationship exists, except with a spouse.</li> <li>b. Making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients.</li> <li>c. Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.</li> </ol> </li> <li>12. Failing to adhere to the standards of ethics of the physical therapy profession adopted by rule by the board.</li> <li>13. Charging unreasonable or fraudulent fees for services performed or not performed.</li> <li>14. Making misleading, deceptive, untrue, or fraudulent representations in violation of this chapter or in the practice of the profession.</li> <li>15. Having been adjudged mentally incompetent by a court.</li> </ol>

Occupation and Professional Licenses	North Dakota Century Code Section	Licensure Restrictions
Physician or Surgeon	43-17-31	<p>16. Aiding and abetting a person who is not licensed in this state in the performance of activities requiring a license.</p> <p>17. Failing to report to the board, when there is direct knowledge, any unprofessional, incompetent, or illegal acts that appear to be in violation of this chapter or any rules established by the board.</p> <p>18. Interfering with an investigation or disciplinary proceeding by failure to cooperate, by willful misrepresentation of facts, or by the use of threats or harassment against any patient or witness to prevent that patient or witness from providing evidence in a disciplinary proceeding or any legal action.</p> <p>19. Failing to maintain adequate patient records. For the purposes of this subsection, "adequate patient records" means legible records that contain at a minimum sufficient information to identify the patient, an evaluation of objective findings, a diagnosis, a plan of care, a treatment record, and a discharge plan.</p> <p>20. Failing to maintain patient confidentiality without the written authorization of the patient or unless otherwise permitted by law. All records used or resulting from a consultation under section 43-51-03 are part of a patient's records and are subject to applicable confidentiality requirements.</p> <p>21. Promoting any unnecessary device, treatment intervention, or service resulting in the financial gain of the practitioner or of a third party.</p> <p>22. Providing treatment intervention unwarranted by the condition of the patient or continuing treatment beyond the point of reasonable benefit.</p> <p>23. Participating in underutilization or overutilization of physical therapy services for personal or institutional financial gain.</p> <p>Grounds for disciplinary action.</p> <ol style="list-style-type: none"> <li>1. Disciplinary action may be imposed against a physician upon any of the following grounds:               <ol style="list-style-type: none"> <li>a. The use of any false, fraudulent, or forged statement or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice, in connection with any of the licensing requirements.</li> <li>b. The making of false or misleading statements about the physician's skill or the efficacy of any medicine, treatment, or remedy.</li> <li>c. The conviction of any misdemeanor determined by the board to have a direct bearing upon a person's ability to serve the public as a practitioner of medicine or any felony. A license may not be withheld contrary to the provisions of chapter 12.1-33.</li> <li>d. Habitual use of alcohol or drugs.</li> <li>e. Physical or mental disability materially affecting the ability to perform the duties of a physician in a competent manner.</li> <li>f. The performance of any dishonorable, unethical, or unprofessional conduct likely to deceive, defraud, or harm the public.</li> <li>g. Obtaining any fee by fraud, deceit, or misrepresentation.</li> <li>h. Aiding or abetting the practice of medicine by an unlicensed, incompetent, or impaired person.</li> <li>i. The violation of any provision of a medical practice act or the rules and regulations of the board, or any action, stipulation, condition, or agreement imposed by the board or its investigative panels.</li> <li>j. The practice of medicine under a false or assumed name.</li> <li>k. The advertising for the practice of medicine in an untrue or deceptive manner.</li> <li>l. The representation to a patient that a manifestly incurable condition, sickness, disease, or injury can be cured.</li> <li>m. The willful or negligent violation of the confidentiality between physician and patient, except as required by law.</li> <li>n. The failure of a doctor of osteopathy to designate that person's school of practice in the professional use of that person's name by such terms as "osteopathic physician and surgeon", "doctor of osteopathy", "D.O.", or similar terms.</li> <li>o. Gross negligence in the practice of medicine.</li> <li>p. Sexual abuse, misconduct, or exploitation related to the licensee's practice of medicine.</li> <li>q. The prescription, sale, administration, distribution, or gift of any drug legally classified as a controlled substance or as an addictive or dangerous drug for other than medically accepted therapeutic purposes.</li> <li>r. The payment or receipt, directly or indirectly, of any fee, commission, rebate, or other compensation for medical services not actually or personally rendered, or for patient referrals; this prohibition does not affect the lawful distributions of professional partnerships, corporations, limited liability companies, or associations.</li> <li>s. The failure to comply with the reporting requirements of section 43-17.1-05.1.</li> </ol> </li> </ol>

Occupation and Professional Licenses	North Dakota Century Code Section	Licensure Restrictions
Podiatrist	43-05-16	<p data-bbox="1087 207 1318 228" style="text-align: center;"><b>Licensure Restrictions</b></p> <ul style="list-style-type: none"> <li data-bbox="541 237 1959 305">t. The failure to transfer medical records to another physician or to supply copies of those records to the patient or to the patient's representative when requested to do so by the patient or the patient's designated representative, except if the disclosure is otherwise limited or prohibited by law. A reasonable charge for record copies may be assessed.</li> <li data-bbox="541 318 1430 339">u. A continued pattern of inappropriate care as a physician, including unnecessary surgery.</li> <li data-bbox="541 352 1667 373">v. The use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine.</li> <li data-bbox="541 386 1959 428">w. The prescribing, selling, administering, distributing, or giving to oneself or to one's spouse or child any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug.</li> <li data-bbox="541 441 1440 462">x. The violation of any state or federal statute or regulation relating to controlled substances.</li> <li data-bbox="541 475 1959 544">y. The imposition by another state or jurisdiction of disciplinary action against a license or other authorization to practice medicine based upon acts or conduct by the physician that would constitute grounds for disciplinary action as set forth in this section. A certified copy of the record of the action taken by the other state or jurisdiction is conclusive evidence of that action.</li> <li data-bbox="541 557 1591 578">z. The lack of appropriate documentation in medical records for diagnosis, testing, and treatment of patients.</li> <li data-bbox="541 591 1698 612">aa. The failure to properly monitor a physician assistant, a fluoroscopy technologist, or an emergency medical technician.</li> <li data-bbox="541 625 1959 667">bb. The failure to furnish the board or the investigative panel, their investigators, or representatives information legally requested by the board or the investigative panel.</li> <li data-bbox="541 680 1959 722">cc. The performance of an abortion on a pregnant woman prior to determining if the unborn child the pregnant woman is carrying has a detectable heartbeat, as provided in subsection 1 of section 14-02.1-05.1.</li> <li data-bbox="541 735 1402 756">dd. Noncompliance with the physician health program established under chapter 43-17.3.</li> </ul> <p data-bbox="453 776 747 797">Grounds for disciplinary action.</p> <ol style="list-style-type: none"> <li data-bbox="506 812 1959 854">1. The board may refuse to grant a license or permit or may impose disciplinary action as described in this chapter against any podiatrist. The following conduct, whether occurring in this state or elsewhere, is prohibited and is a basis for disciplinary action:             <ul style="list-style-type: none"> <li data-bbox="548 867 1808 888">a. Failure to demonstrate the qualification or satisfy the requirements for a license or permit under this chapter or rules of the board.</li> <li data-bbox="548 901 1959 969">b. Obtaining a license or permit by fraud or cheating or attempting to subvert the licensing or permit examination process, the use of any false, fraudulent, or forged statement or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice in connection with any of the license or permit requirements.</li> <li data-bbox="548 982 1959 1050">c. Conviction, during the previous five years, of a misdemeanor or felony reasonably related to the practice of podiatric medicine, or determined by the board to have a direct bearing upon a person's ability to serve the public as a podiatrist. A license may not be withheld contrary to chapter 12.1-33.</li> <li data-bbox="548 1063 1959 1131">d. Revocation, suspension, restriction, limitation, or other disciplinary action against the person's podiatric medical license in another state or jurisdiction, failure to report to the board that charges regarding the person's license have been brought in another state or jurisdiction, or failure to report to the board that the person has been refused a license by another state or jurisdiction.</li> <li data-bbox="548 1144 1959 1187">e. Advertising that is false or misleading, or the making of any false or misleading statement about the podiatrist's skill, training, experience, or ability or the efficacy of any treatment or remedy.</li> <li data-bbox="548 1200 1959 1242">f. Violating a rule adopted by the board; an order of the board; any provision of this chapter; any action, stipulation, condition, or agreement imposed by the board; a state or federal law that relates to the practice of podiatric medicine; or a state or federal narcotics or controlled substance law.</li> <li data-bbox="548 1255 1959 1323">g. Engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the public; demonstrating a willful, careless, or negligent disregard for the health, welfare, or safety of a patient; or podiatric medical practice that is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety regardless of whether an actual injury is proved.</li> <li data-bbox="548 1336 1010 1357">h. Failure to supervise a preceptor or resident.</li> <li data-bbox="548 1370 1562 1391">i. Aiding or abetting an unlicensed, incompetent, or impaired person in the practice of podiatric medicine.</li> <li data-bbox="548 1404 1959 1446">j. Adjudication by a court of competent jurisdiction as mentally incompetent, mentally ill, chemically dependent, a person dangerous to the public, or a person who has a psychopathic personality.</li> <li data-bbox="548 1459 1959 1502">k. Engaging in unprofessional conduct that includes any departure from or the failure to conform to the minimal standards of acceptable and prevailing podiatric medical practice.</li> </ul> </li> </ol>

Occupation and Professional Licenses	North Dakota Century Code Section	Licensure Restrictions
		<ul style="list-style-type: none"> <li>i. Inability to practice podiatric medicine with reasonable skill and safety to patients because of physical or mental illness, chemical dependency, or as a result of any mental or physical condition or disability.</li> <li>m. Revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law.</li> <li>n. Improper management of medical records.</li> <li>o. Accepting, paying, or promising to pay a part of a fee in exchange for patient referrals; obtaining any fee by fraud, deceit, or misrepresentation; or paying or receiving, directly or indirectly, any fee, commission, rebate, or other compensation for services not actually or personally rendered, except for the lawful distribution of compensation or fees within a professional partnership, corporation, or association.</li> <li>p. Engaging in abusive or fraudulent billing practices.</li> <li>q. Habitual use of, or becoming addicted or habituated to, alcohol or drugs.</li> <li>r. Prescribing, administering, or distributing a drug for other than medically accepted therapeutic purposes, experimental, or investigative purposes authorized by a state or federal agency.</li> <li>s. Engaging in sexual misconduct, sexual abuse, or exploitation with or of a patient; conduct that may reasonably be interpreted by the patient as sexual; or in verbal behavior which is seductive or sexually demeaning to a patient.</li> <li>t. The failure to furnish the board or representatives information legally requested by the board.</li> <li>u. A continued pattern of inappropriate care as a podiatrist.</li> <li>v. The practice of podiatric medicine under a false or assumed name other than a partnership name containing the names of one or more of the licensed partners.</li> <li>w. Maintaining a professional office in conjunction or relation with any business not engaged in the practice of the medical sciences.</li> <li>x. Treating any disease, sickness, illness, malady, or defect that is outside the scope of the practice of podiatric medicine.</li> </ul>
Psychologist	43-32-27	<p>Denial - Revocation or suspension of license or registration - Grounds.</p> <ol style="list-style-type: none"> <li>1. The board, after notice, hearing, and an affirmative vote of at least a majority of board members, may withhold, deny, revoke, or suspend any license or registration issued or applied for under this chapter and may otherwise discipline a licensee, a registrant, or an applicant upon proof the applicant, registrant, or licensee: <ul style="list-style-type: none"> <li>a. Has been convicted of an offense determined by the board to have a direct bearing upon an individual's ability to serve the public in the practice of psychology or applied behavior analysis, or if the board finds, after the conviction of any offense, that an individual is not sufficiently rehabilitated under section 12.1-33-02.1.</li> <li>b. Is unable to practice psychology or applied behavior analysis with reasonable skill and safety to clients or patients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition.</li> <li>c. Has impersonated another individual holding a license or registration issued under this chapter or allowed another person to use the licensee's license or registration.</li> <li>d. Has used fraud or deception in applying for a license or registration or in taking an examination under this chapter.</li> <li>e. Has allowed the licensee's or registrant's name or license or registration issued under this chapter to be used in connection with any person who performs psychological or applied behavior analysis services outside of the area of that person's training, experience, or competence.</li> <li>f. Is legally adjudicated insane or mentally incompetent. The record of the adjudication is conclusive evidence of that fact.</li> <li>g. Has engaged in any form of unethical conduct as defined in the code of ethical conduct adopted by the board by rule.</li> <li>h. Has become grossly negligent in the practice of psychology or applied behavior analysis.</li> <li>i. Has willfully or negligently violated this chapter.</li> <li>j. Has engaged in an act in violation of rules adopted by the board.</li> <li>k. Has had a license or registration revoked or suspended or was disciplined in another jurisdiction.</li> </ul> </li> </ol>
Social Worker	43-41-10	<p>Grounds for disciplinary proceedings.</p> <p>The board may deny, refuse to renew, suspend, revoke, or place on probationary status any license issued under this chapter on proof at a hearing that the applicant or licensed person:</p>

Occupation and Professional Licenses	North Dakota Century Code Section	Licensure Restrictions
Veterinarian	43-29-14	<p>1. Has been convicted of an offense determined by the board to have a direct bearing upon that individual's ability to practice social work or is not sufficiently rehabilitated as determined by the board in accordance with section 12.1-33-02.1.</p> <p>2. Is addicted to the habitual use of alcoholic beverages, narcotics, or stimulants to such an extent as to incapacitate that individual from the practice of social work.</p> <p>3. Has been grossly negligent in the practice of social work.</p> <p>4. Has violated one or more of the rules and regulations of the board.</p> <p>5. Has violated the code of social work ethics adopted by the board.</p> <p>Refusal, suspension, and revocation of license and certificate - Reinstatement and relicensure.</p> <p>1. The state board of veterinary medical examiners may refuse to issue a license or certificate of registration, or may suspend or revoke a license and certificate of registration, upon any of the following grounds:</p> <ul style="list-style-type: none"> <li>a. Fraud or deception in procuring the license, including conduct that violates the security or integrity of any licensing examination.</li> <li>b. The use of advertising or solicitation that is false, misleading, or otherwise determined unprofessional under rules adopted by the board.</li> <li>c. Habitual intemperance in the use of intoxicating liquors, or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs.</li> <li>d. Immoral, unprofessional, or dishonorable conduct manifestly disqualifying the licensee from practicing veterinary medicine.</li> <li>e. Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.</li> <li>f. Employment of unlicensed persons to perform work that under this chapter can lawfully be done only by persons licensed to practice veterinary medicine.</li> <li>g. Fraud or dishonest conduct in applying or reporting diagnostic biological tests, inspecting foodstuffs, or in issuing health certificates.</li> <li>h. Failure of the licensee to keep the premises and equipment used in the licensee's practice in a reasonably clean and sanitary condition and failure to use reasonably sanitary methods in the practice of veterinary medicine.</li> <li>i. Violation of the rules adopted by the board.</li> <li>j. Conviction of an offense determined by the board to have a direct bearing upon a person's ability to serve the public as a veterinarian, or when the board determines, following conviction of any offense, that a person is not sufficiently rehabilitated under section 12.1-33-02.1.</li> <li>k. Willful or repeated violations of this chapter or any rule adopted by the board.</li> <li>l. Failure to report, as required by law, or making false report of, any contagious or infectious disease.</li> <li>m. Cruelty to animals.</li> <li>n. Revocation of a license to practice veterinary medicine by another state on grounds other than nonpayment of a registration fee.</li> <li>o. The use, prescription, or dispensing of any veterinary prescription drug, or the prescription or extra-label use of any over-the-counter drug, in the absence of a valid veterinarian-client-patient relationship, except as provided by section 43-29-19.</li> </ul>
Wholesale Drug Distributor	43-15.3-03	<p>Wholesale distributor licensing requirement - Minimum requirements for licensure.</p> <p>5. The board may not issue a wholesale distributor license to an applicant, unless the board:</p> <ul style="list-style-type: none"> <li>a. Inspects or appoints a third party recognized by the board for the purpose of inspecting the wholesale distribution operations of the facility before initial licensure and continues to inspect periodically thereafter in accordance with a schedule to be determined by the board, but not less than every three years. Manufacturing facilities are exempt from inspection by the board if the manufacturing facilities are currently registered with the federal food and drug administration in accordance with section 510 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301]; and</li> <li>b. Determines that the designated representative meets the following qualifications: <ul style="list-style-type: none"> <li>(1) Is at least twenty-one years of age;</li> <li>(2) Has been employed full time for at least three years in a pharmacy or with a wholesale distributor in a capacity related to the dispensing and distribution of, and recordkeeping relating to, prescription drugs, medical gases, or medical equipment;</li> <li>(3) Is employed by the applicant full time in a managerial level position;</li> <li>(4) Is actively involved in and aware of the actual daily operation of the wholesale distributor;</li> </ul> </li> </ul>

Occupation and Professional Licenses	North Dakota Century Code Section	Licensure Restrictions
		<ul style="list-style-type: none"> <li data-bbox="598 235 1965 284">(5) Is physically present at the facility of the applicant during regular business hours, except when the absence of the designated representative is authorized, including sick leave and vacation leave;</li> <li data-bbox="598 287 1965 365">(6) Is serving in the capacity of a designated representative for only one applicant at a time, except where more than one licensed wholesale distributor is colocated in the same facility and the wholesale distributors are members of an affiliated group, as defined in section 1504 of the Internal Revenue Code [26 U.S.C. 1504];</li> <li data-bbox="598 368 1965 417">(7) Does not have any convictions under any federal, state, or local laws relating to wholesale or retail prescription drug, medical gas, or medical equipment distribution or distribution of controlled substances; and</li> <li data-bbox="598 420 1965 453">(8) Does not have any felony conviction under federal, state, or local laws.</li> </ul>