

CHAPTER 97-02-02 DISCIPLINARY PROCEDURES

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97-02-02-01. Disciplinary actions.

All actions for disciplinary procedures must be in accordance with North Dakota Century Code chapter 28-32.

1. Action must be taken by the board upon finding that the applicant or licenseholder has engaged in unprofessional conduct. Unprofessional conduct includes:
 - a. Conviction of an offense determined by the board to have a direct bearing on the individual's ability to practice counseling.
 - b. Procuring of license by fraud or misrepresentation.
 - c. Misuse of drugs or alcohol.
 - d. Negligence in professional conduct or nonconformance with the code of ethics as adopted by the board.
 - e. Performance of functions outside the demonstrable areas of competency.
 - f. Mental, emotional, or physical incompetence to practice the profession.
 - g. Violation of or aid to another in violating any provision of North Dakota Century Code chapter 43-47, any other statute applicable to the practice of professional counseling, or any provision of this title.
2. Petition for rehearing. A petition may be made to the board for reinstatement upon good cause or as a result of additional evidence being obtained that would alter the determination reached in subsection 1.

History: Effective June 1, 1991; amended effective July 1, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-14, 43-47-07

97-02-02-02. Reinstatement following disciplinary action.

1. Any person whose license has been revoked or whose renewal application has been denied renewal under section 97-02-02-01 may submit a new application to the board for licensure two years after the date of the revocation or denial.
2. The board may, after a hearing, grant or deny the reinstatement sought in subdivision a of subsection 1 of this section based upon the evidence presented.
3. If an application for reinstatement is approved, the applicant must be licensed upon payment of the appropriate fees applicable at the time of reinstatement.

History: Effective June 1, 1991.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-07, 43-47-08

97-02-02-03. Reporting convictions and discipline.

A licensee, convicted of an offense, except a minor traffic offense, or disciplined in another jurisdiction, shall report the conviction or discipline to the board within thirty days of the conviction or discipline.

History: Effective July 1, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-07