

## **CHAPTER 96-02-09 DISCIPLINE**

### **Section**

96-02-09-01	Disciplinary Procedure
96-02-09-02	Unprofessional Conduct

#### **96-02-09-01. Disciplinary procedure.**

1. Upon filing of a written and signed complaint alleging a licensee engaged in conduct identified as grounds for disciplinary action under North Dakota Century Code section 43-48-15, the board shall notify the licensee of the complaint and require a written response from the licensee. The board may initiate a complaint on its own motion upon learning of conduct identified as grounds for disciplinary action under North Dakota Century Code section 43-48-15, and shall notify the licensee of the complaint and require a written response from the licensee.
2. The board may direct a board member to investigate the complaint. After completing the investigation, the board member will recommend whether the board should take disciplinary action against the licensee.
3. The board shall determine if there is a reasonable basis to believe the licensee engaged in conduct identified as grounds for disciplinary action under North Dakota Century Code section 43-48-15. If the board determines there is not a reasonable basis to believe, the board will notify the complainant and the licensee. If the board determines there is a reasonable basis to believe, the board will proceed with a disciplinary action in accordance with North Dakota Century Code chapter 28-32.
4. The board may, at any time, offer or accept a proposal for informal resolution of the complaint or disciplinary action.

**History:** Effective May 1, 2002; amended effective July 1, 2017.

**General Authority:** NDCC 43-48-04

**Law Implemented:** NDCC 43-48-15

#### **96-02-09-02. Unprofessional conduct.**

Unprofessional conduct includes:

1. Scientific and professional misconduct including falsification, fabrication, plagiarism, concealment, inappropriate omission of information, and making false or deceptive statements.
2. Dishonest or illegal compensation for services rendered.
3. Failure to comply with all laws regarding confidentiality and security of patient information and test results.
4. Failure to protect the safety and welfare of patients, employees, coworkers, the public, and the environment as it relates to clinical laboratory practice.
5. Failure to report a violation of clinical laboratory practice law or rules to the board.
6. Suspension or revocation of, or disciplinary action against, an individual's license in another jurisdiction.
7. Failure to meet minimum standards of clinical laboratory practice.

8. Practice beyond the scope of practice allowed by an individual's current license.
9. Personal problems, legal problems, substance abuse, or mental health difficulties that have interfered with a licensee's professional judgment or practice.

**History:** Effective January 1, 2010.

**General Authority:** NDCC 43-48-04

**Law Implemented:** NDCC 43-48-15