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Introduction

The purpose of this booklet is to provide guidance to professionals dealing with clients that possess or are attempting to obtain a professional license. The endangerment of one's professional license may impact many different aspects of a client's life, and my hope is to inform other professionals so that your clients may be better served.

We are all doing something we love, hopefully. If we can help our clients continue to possess the license required to thrive as a professional, then we are adding great value to any other services we may perform for them. After all, we are in the service business and the point is to make sure our clients are taken care of in all respects.

Looking Out for Clients

If you have an intimate knowledge of your client's life, it may be useful for you to look out for potential risks towards your client's professional license.

One of the most obvious potential threats to a licensed professional is substance abuse. Chaotic substance use issues may cause issues for the client in the future, and this will likely require a client to self report to a professional licensing authority, or have a complaint filed against him/her. If you have a client that fits this description and holds a professional license, advise them to speak to a substance abuse specialist then an attorney about self reporting.

Another thing to look out for are severe personal disturbances in the client's personal life. If these issues spread into their professional field, this could put the client at an increased risk of losing their license.

Impact of Criminal Charges on Professional License

No one wants to go through the criminal justice system. When I practiced criminal law, the only thing my clients were concerned about after they were arrested was staying out of jail and getting their case resolved as quickly as possible. When someone is arrested, all they think about is when their case will be over so that they can stop worrying about it.

What people that have been arrested for a crime may not realize is that their professional life may be impacted as well as their personal life. Not only does a person arrested have to contend with an employer, but they may have to contend with their professional licensing board. This is because when a licensed professional is arrested for a crime, this person is typically required to self-report the arrest to their licensing board. Licensing boards in North Carolina may differ as to what types of crimes for which a licensee is arrested must be self-reported to the board. All felonies and any misdemeanor that involves dishonesty, fraud, or bears on the licensee's fitness to practice in the licensee's profession are required to be self-reported to boards. Other

boards cast a wider net and require that anyone arrested for a, 'crime of moral turpitude' self-report.

The overwhelming majority of boards that I have seen require a person convicted of a DWI and/or drug related crime to self-report. This may be an isolated occurrence and one time mistake, but boards and state agencies will require the licensee to report the conviction. Employers who run background checks for new hires may inquire to a licensee if their conviction was reported to the board or state agency.

Substance Abuse Impact on Professional License

If a licensee believes he/she has a substance abuse issue, he/she is supposed to report him/herself to the licensing board. Most licensing boards have their own substance abuse program in which a licensee may have to enroll in order to keep their license. This doesn't necessarily mean that a licensee cannot start by seeking inpatient or outpatient treatment with a qualified professional, it just means that the licensing board needs to be notified as soon as possible as to what is going on with the licensee and monitor the licensee through their own program as well. Seeking and starting to

receive help when a licensee self-reports is going to go a long way in helping the licensee retain the license. There are a number of great inpatient and outpatient facilities in the state of North Carolina and I am happy to share some references for your client, if needed.

Impact of Personal Disturbances on Professional License

Obviously, a professional may not want to cross that line into a client or colleague's personal life too much. However, I'm sure there are many of us that have developed close friendships with clients and colleagues and we want to make sure that our friends' personal lives are not falling apart.

If someone is going through a tough divorce, personal tragedy, or something else, they may need a professional to consult with to get their personal life back on track before it spills into their professional life. Personal issues can, and usually do, spill over into work and will impact a professional's business and license. Depending on the relationship, it may be a good idea to ask if the close client or colleague needs a referral

to someone, like a therapist, to help with their personal issue before their business life is negatively affected.

Impact of Moving States on Professional License

We live in a great state here in North Carolina. This means a lot of licensed professionals move here every day. When a licensed professional is looking to move states, or actually does move states, he/she may have to obtain a professional license with a NC licensing board or state agency. Military members that move to North Carolina for work have earned some recent legislation that eases their burden by allowing them to waive in for their license if they meet certain criteria.

Professional License Issues for Businesses

Being a licensed professional and small business owner myself, I understand the impact that an investigation or complaint by a licensing agency or board may have on a business. After all, if a business owner who is required to have a professional license loses that professional license, he/she loses the business. The lost license doesn't just impact the professional him/herself, it also affects those within the business.

Complaints Against a Business Partner

Having a good business partner lessens the burden of some of the work, helps with growth of the business, and can help keep the business profitable and productive. Having a bad business partner causes headaches, sleepless nights, and undue stress. There's a saying that if you sleep with dogs, you end up with fleas. If someone is in a business relationship with another licensed professional and he/she is not who they thought they were, it may cause a licensed professional issues with the board.

Even if a licensed professional who co-owns a business did nothing wrong, chances are a licensing agency/board is going to at least request to interview all partners in the business if another partner has a complaint filed against him/her. Gathering as much documentation to eventually comply with a board's request is going to be the most prudent action. Running to speak with an investigator may seem like a good idea, but may end up causing more issues if the licensee doesn't think it through or obtain help from a professional. If a client or colleague is constantly complaining about a business partner and it appears as though the business partner is not on the level, the client or colleague may have some problems down the road. Problems can

be attempting to oust the partnership, potential civil action against the partner, or the individual may getting dragged into a board or agency investigation.

Complaints Against an Employee

If your client employs a licensed professional that receives a complaint from a licensing authority, the employer could be at risk of censure as well. If the client was acting in a supervisory capacity of the employee and it is established that they insufficiently managed the employee in such a manner that the employee committed a complaint-worthy infraction, the client may face issues with their own license. In such a case, advise the client to consult with an attorney.

Complaints Against the Business

If there is a civil suit between the business and a person or another business, there is a possibility that the opposing party will file a complaint against the business with the licensing board or state agency. If your client is in the process of litigating a civil suit, advise them to be mindful of this and not communicate with the other party.

Sometimes clients try to work things out themselves and end up creating a worse situation.

Applying for a Professional License

What the Board Will Examine

1. Criminal History
2. History of Board Discipline
3. Educational Background
4. Application Accuracy
5. Testing Requirements

Advise clients to be honest on their applications, as fraudulent claims by an applicant will constitute grounds for application denial. This happens more than one may think and even *no contest* pleas are typically considered convictions by most licensing authorities.

Information for Clients Under Investigation

Initial Denial of License

If your client has been denied an initial license application, they have the right to appeal this denial. The appeal will go in front of the board or agency. If that is unsuccessful, then they can also appeal the board or agency decision to a superior court judge.

Complaint Against Active License

If your client has a complaint filed against an active license, their ability to practice or run their business may be suspended as a result of a board/agency's decision. Once a complaint has been filed by an individual, the board will begin an investigation, during which time they will seek to interview the client and evidence will be collected. If the board or agency's decision results in the issuance of a formal complaint being filed by the board or agency, the client has two options. There can be a

settlement conference and/or a formal hearing. Depending on the situation, it may be advisable to start with a settlement conference or just skip straight to a formal hearing.

If a formal hearing results in discipline by the board or state agency, then this decision is subject to judicial review in superior court after proper appeal. This process is a long one, and it can be very easy for clients to trap themselves accidentally by going into the process without counsel. For this reason, I would recommend that anyone dealing with a complaint against their license conduct their affairs under the guidance of an attorney.

We sincerely appreciate you taking the time to read this and I hope this information is valuable to you. Should you have any questions or need some assistance, especially if it's a referral to another professional, we are happy to help. Call or email us at 919-521-8810 or admin@northstatelawfirm.com anytime. For more information about the firm, please visit our website at www.northstatelawfirm.com.

***Legislation is passed by the North Carolina General Assembly every year, so this information, though accurate today, is subject to change. Licensing boards and state agencies in NC may differ when it comes to certain aspects of discipline or issuance of a license.**