

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10528-NB-4B*

Short Title: OLB Reform.

(Public)

Sponsors: Representatives Clemmons, Hardister, and B. Turner (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY AND SIMPLIFY A LICENSEE'S QUALIFICATIONS FOR
3 LICENSURE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 93B-1 reads as rewritten:

6 "§ 93B-1. Definitions.

7 As used in this ~~Chapter~~ Chapter, the following definitions apply:

8 "~~License~~" means any

9 (1) License. – Any license (other than a privilege license), certificate, or other
10 evidence of qualification which an individual is required to obtain before he
11 may engage in or represent himself to be a member of a particular profession
12 or occupation.

13 "~~Occupational licensing board~~" means any

14 (2) Occupational licensing board. – Any board, committee, commission, or other
15 agency in North Carolina which is established for the primary purpose of
16 regulating the entry of persons into, ~~and/or~~ and the conduct of persons within,
17 a particular profession or occupation, and which is authorized to issue
18 ~~licenses;~~ licenses. The phrase "occupational licensing board" does not include
19 State agencies, staffed by full-time State employees, which as a part of their
20 regular functions may issue licenses.

21 (3) State agency licensing board. – Any State agency, staffed by full-time State
22 employees, which as part of their regular functions issue licenses. The
23 following is a nonexclusive list of State agency licensing boards and the
24 profession or occupation for which the board, agency, or officer may issue
25 licenses:

26 a. The Department of Agriculture and Consumer Services.

27 1. Commissioner of Agriculture.

28 I. Scale Technician. Article 6 of Chapter 81A of the
29 General Statutes.

30 II. Seed Dealer. Article 31 of Chapter 106 of the General
31 Statutes.

32 III. Livestock Dealer. Article 35B of Chapter 106 of the
33 General Statutes.

34 2. North Carolina Pesticide Board.

35 I. Pesticide Applicators and Pesticide Dealers. Parts 3 and
36 4 of Article 52 of Chapter 143 of the General Statutes.



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- 1 3. North Carolina Board of Agriculture.
- 2 I. Boarding Kennel Operator and Pet Shop Owner.
- 3 Article 3 of Chapter 19A of the General Statutes.
- 4 II. Poultry, Hatcheries, and Chick Dealers. Article 40 of
- 5 Chapter 106 of the General Statutes.
- 6 4. Structural Pest Control Committee.
- 7 I. Exterminator and Structural Pest Control Applicator.
- 8 Article 4C of Chapter 106 of the General Statutes.
- 9 b. The Department of Environmental Quality
- 10 1. Well Contractors Certification Commission.
- 11 I. Well Contractor. Article 7A of Chapter 87 of the
- 12 General Statutes.
- 13 c. The Department of Health and Human Services.
- 14 1. North Carolina Medical Care Commission.
- 15 I. Ambulance Attendant, Emergency Medical
- 16 Technician. Article 7 of Chapter 131E of the General
- 17 Statutes.
- 18 d. The Department of Insurance.
- 19 1. Commissioner of Insurance.
- 20 I. Bail Bond Runner, Professional Bondsman, Surety
- 21 Bondsman. Article 71 of Chapter 58 of the General
- 22 Statutes.
- 23 II. Insurance Agent, Insurance Company Adjuster, Motor
- 24 Vehicle Damage Appraiser, Self-Employed Insurance
- 25 Adjuster. Article 33 of Chapter 58 of the General
- 26 Statutes.
- 27 2. Code Officials Qualifications Board.
- 28 I. Building Inspector, Code Enforcement Official,
- 29 Electrical Inspector, Fire Inspector, Mechanical
- 30 Inspector, Plumbing Inspector. Article 9C of Chapter
- 31 58 of the General Statutes.
- 32 3. Home Inspection Licensure Board.
- 33 I. Home Inspector. Article 9F of Chapter 143 of the
- 34 General Statutes.
- 35 4. Manufactured Housing Board.
- 36 I. Manufactured Housing Salesperson. Article 9A of
- 37 Chapter 143 of the General Statutes.
- 38 e. The Department of Justice.
- 39 1. North Carolina Sheriffs' Education and Training Standards
- 40 Commission.
- 41 I. Justice Officer. Chapter 17E of the General Statutes.
- 42 2. North Carolina Criminal Justice Education and Training
- 43 Standards Commission.
- 44 I. Law Enforcement Officer. Article 1 of Chapter 17C of
- 45 the General Statutes.
- 46 f. The Department of Labor.
- 47 1. Boiler Safety Bureau.
- 48 I. Boiler Inspector. Article 7A of Chapter 95 of the
- 49 General Statutes.
- 50 g. The Department of Public Instruction.
- 51 1. State Board of Education.

- 1 I. Teacher, Principal, Superintendent. Article 71E of
- 2 Chapter 115C of the General Statutes.
- 3 h. The Department of Public Safety.
- 4 1. Alcohol Law Enforcement Branch.
- 5 I. Boxer, Kickboxer, Mixed Martial Arts, Promoter.
- 6 Article 8 of Chapter 143 of the General Statutes.
- 7 2. The Alcohol Beverage Control Board.
- 8 I. Alcoholic Beverage Distributor. Article 9 of Chapter
- 9 18B.
- 10 3. Private Protective Services Board.
- 11 I. Counter Intelligence Licensee, Guard Dog Service
- 12 Operator, Polygraph Examiner, Private Investigator,
- 13 Psychological Stress Evaluator, Security Guard, and
- 14 Patrol Licensee. Article 1 of Chapter 74C of the
- 15 General Statutes.
- 16 i. The Department of the Secretary of State.
- 17 1. The Secretary of State.
- 18 I. Athletic Agent. Article 9 of Chapter 78C of the General
- 19 Statutes.
- 20 II. Investment Advisor. Article 3 of Chapter 78C of the
- 21 General Statutes.
- 22 III. Securities Broker, Securities Dealer, Security
- 23 Salesman. Article 5 of Chapter 78A of the General
- 24 Statutes.
- 25 IV. Professional Solicitor. Article 3 of Chapter 131F of the
- 26 General Statutes.
- 27 j. The Department of Transportation.
- 28 1. Division of Motor Vehicles.
- 29 I. New and Used Motor Vehicle Dealer, Motor Vehicle
- 30 Sales Representative, Distributor, Distributor Branch,
- 31 Distributor Representative, Wholesaler. Article 12 of
- 32 Chapter 20 of the General Statutes.
- 33 II. Commercial Driver, Truck Driver. Article 2 of Chapter
- 34 20 of the General Statutes.
- 35 III. Safety Inspection Mechanic. Article 3A of Chapter 20
- 36 of the General Statutes."

SECTION 2. G.S. 93B-2 reads as rewritten:

"(a) No later than October 31 of each year, each occupational licensing board shall file electronically with the Secretary of State, the Attorney General, and the Joint Legislative Administrative Procedure Oversight Committee an annual report containing all of the following information:

...

(9a) The number of applicants and, of that number, the number granted a license.

(9b) The number of applicants with a conviction record and, of that number, the number granted a license, denied a license for any reason, and denied a license because of a conviction.

...

(e) No later than October 31 of each year, each State agency occupational licensing board shall file electronically with the Secretary of State, the Attorney General, and the Joint Legislative Administrative Procedure Oversight Committee an annual report containing all of the following information:

- 1 (1) The number of applicants for a license and, of that number, the number
2 granted a license.
3 (2) The number of applicants with a conviction record and, of that number, the
4 number granted a license, denied a license for any reason, and denied a license
5 because of a conviction."

6 **SECTION 3.** G.S. 93B-8.1 reads as rewritten:

7 "**§ 93B-8.1. Use of criminal history records.**

8 (a) The following definitions apply in this section:

- 9 (1) Applicant. – A person who makes application for licensure from an
10 occupational licensing board.
11 (2) Board. – An occupational licensing board or a State agency licensing board as
12 defined in G.S. 93B-1.
13 (3) Criminal history record. – A State or federal history of conviction of a crime,
14 whether a misdemeanor or felony, that bears upon an applicant's or a licensee's
15 fitness to be licensed or disciplined.
16 (4) Licensee. – A person who has obtained a license to engage in or represent
17 himself or herself to be a member of a particular profession or occupation.

18 (b) ~~Unless the law governing a particular occupational licensing board provides~~
19 ~~otherwise, a~~ A board shall not automatically deny licensure on the basis of an applicant's criminal
20 ~~history. If the board is authorized to~~ history and notwithstanding any other provisions of law, no
21 ~~board may deny an applicant a license based solely on conviction for a crime of moral turpitude.~~
22 A board may deny a license to an applicant on the basis of conviction of any crime or for
23 ~~commission of a crime involving fraud or moral turpitude, and the applicant's verified criminal~~
24 ~~history record reveals one or more convictions of any crime, a crime if the board may deny the~~
25 ~~license if it finds that denial is warranted after consideration of the~~ determines, based upon the
26 ~~factors specified in subsection (b1) of this section, that the public's safety and general welfare~~
27 ~~could be adversely affected if the board issued the applicant a license.~~

28 (b1) Before a board may deny an applicant a license due to a criminal conviction under
29 ~~subsection (b) of this section, the board must specifically consider all of the following factors:~~

- 30 (1) The level and seriousness of the crime.
31 (2) The date of the crime.
32 (3) The age of the person at the time of the crime.
33 (4) The circumstances surrounding the commission of the crime, if known.
34 (5) The nexus between the criminal conduct and the prospective duties of the
35 applicant as a licensee.
36 (6) The prison, jail, probation, parole, rehabilitation, and employment records of
37 the applicant since the date the crime was committed.
38 (7) The subsequent commission of a crime by the applicant.
39 (8) Any affidavits or other written documents, including character references.

40 (b2) If the board denies an applicant a license under this section, the board shall:

- 41 (1) Make written findings specifying the factors in subsection (b1) of this section
42 the board deemed relevant to the applicant and explaining the reason for the
43 denial. The board's presiding officer must sign the findings.
44 (2) Provide a signed copy of the written findings to the applicant within 30 days
45 of the denial.
46 (3) Retain a signed copy of the written findings for no less than five years.

47 (b3) Each board shall include in its application for licensure and on its public Web site all
48 ~~of the following information:~~

- 49 (1) Whether the board requires applicants to consent to a criminal background
50 check.

- 1 (2) The factors under subsection (b1) of this section the board shall consider when
- 2 making a determination of licensure.
- 3 (3) The appeals process pursuant to Chapter 150B of the General Statutes if the
- 4 board denies an applicant licensure in whole or in part because of a criminal
- 5 conviction.

6 (b4) If denied licensure, the applicant shall be entitled, as of right, to a rehearing on the
7 issue before the board if the applicant has relevant evidence, not previously considered, regarding
8 the applicant's qualifications.

9 (c) The board may deny licensure to an applicant who refuses to consent to a criminal
10 history record check or use of fingerprints or other identifying information required by the State
11 or National Repositories of Criminal Histories.

12 (d) ~~This section does not apply to The North Carolina Criminal Justice Education and~~
13 ~~Training Standards Commission and the North Carolina Sheriffs' Education and Training~~
14 ~~Standards Commission."~~

15 **SECTION 4.** G.S. 83A-15(a) reads as rewritten:

16 "(a) The Board shall have the power to suspend or revoke a license or certificate of
17 registration, to deny a license or certificate of registration, or to reprimand or levy a civil penalty
18 not in excess of five hundred dollars (\$500.00) per violation against any registrant who is found
19 guilty of:

- 20 ...
- 21 (3) Unprofessional conduct, including but not limited to:
- 22 ...
- 23 d. Willfully violating this Chapter or any rule or standard of conduct
- 24 published by the Board, or pleading guilty or nolo contendere to a
- 25 felony or any crime involving moral turpitude.felony."

26 **SECTION 5.(a)** G.S. 85B-4(b) reads as rewritten:

27 "(b) No person shall be licensed as an apprentice auctioneer, auctioneer, or receive an
28 auction firm license if the person:

- 29 ...
- 30 (3) Has within the preceding five years pleaded guilty to, entered a plea of nolo
- 31 contendere or been convicted of any ~~felony,~~ felony or committed or been
- 32 convicted of any act involving ~~fraud or moral turpitude.fraud.~~

33 "

34 **SECTION 5.(b)** G.S. 85B-8(a) reads as rewritten:

35 "(a) The following shall be grounds for the assessment of a civil penalty in accordance
36 with G.S. 85B-3.1(b) or the denial, suspension, or revocation of an auctioneer, auctioneer
37 apprentice, or auction firm license:

- 38 ...
- 39 (9) The commission or conviction of a crime that is punishable as a felony offense
- 40 under the laws of North Carolina or the laws of the jurisdiction where
- 41 committed or convicted, or the commission of any act involving ~~fraud or~~
- 42 ~~moral turpitude.fraud.~~

43 "

44 **SECTION 6.** G.S. 87-47(a1) reads as rewritten:

45 "(a1) The following activities are prohibited:

- 46 ...
- 47 (4) Being convicted of a crime involving ~~fraud or moral turpitude.fraud.~~

48 "

49 **SECTION 7.** G.S. 89C-21(a) reads as rewritten:

1 "(a) The Board may reprimand the licensee, suspend, refuse to renew, refuse to reinstate,
2 or revoke the certificate of licensure, require additional education or, as appropriate, require
3 reexamination, for any engineer or land surveyor, who is found guilty of any of the following:

4 ...

5 (3) Conviction of, or entry of a plea of guilty or nolo contendere to, any crime
6 that is a felony, whether or not related to the practice of engineering or
7 surveying; conviction of, or entry of a plea of guilty or nolo contendere to, any
8 crime, whether a felony, misdemeanor, or otherwise, where an essential
9 element of the crime is dishonesty or when the crime is directly related to the
10 practice of engineering or ~~surveying; or conviction of, or entry of a plea of~~
11 ~~guilty or nolo contendere, of any crime involving moral turpitude.~~surveying.

12 "

13 **SECTION 8.** G.S. 90-14(a) reads as rewritten:

14 "(a) The Board shall have the power to place on probation with or without conditions,
15 impose limitations and conditions on, publicly reprimand, assess monetary redress, issue public
16 letters of concern, mandate free medical services, require satisfactory completion of treatment
17 programs or remedial or educational training, fine, deny, annul, suspend, or revoke a license, or
18 other authority to practice medicine in this State, issued by the Board to any person who has been
19 found by the Board to have committed any of the following acts or conduct, or for any of the
20 following reasons:

21 ...

22 (7) ~~Conviction in any court of a crime involving moral turpitude, or the~~The
23 violation of a law involving the practice of medicine, or a conviction of a
24 felony; provided that a felony conviction shall be treated as provided in
25 subsection (c) of this section.

26 "

27 **SECTION 9.(a)** G.S. 90-30(a) reads as rewritten:

28 "(a) The North Carolina State Board of Dental Examiners shall grant licenses to practice
29 dentistry to such applicants who are graduates of a reputable dental institution, who, in the
30 opinion of a majority of the Board, shall undergo a satisfactory examination of proficiency in the
31 knowledge and practice of dentistry, subject, however, to the further provisions of this section
32 and of the provisions of this Article.

33 The applicant for a license to practice dentistry shall be of good moral character, at least 18
34 years of age at the time the application is filed. The application for a dental license shall be made
35 to the Board in writing and shall be accompanied by evidence satisfactory to the Board that the
36 applicant is a person of good moral character, has an academic education, the standard of which
37 shall be determined by the Board; that the applicant is a graduate of and has a diploma from a
38 reputable dental college or the dental department of a reputable university or college recognized,
39 accredited and approved as such by the Board; and that the applicant has passed a clinical
40 licensing examination, the standard of which shall be determined by the Board.

41 The North Carolina State Board of Dental Examiners is authorized to conduct both written
42 or oral and clinical examinations or to accept the results of other Board-approved regional or
43 national independent third-party clinical examinations that shall include procedures performed
44 on human subjects as part of the assessment of restorative clinical competencies and that are
45 determined by the Board to be of such character as to thoroughly test the qualifications of the
46 applicant, and may refuse to grant a license to any person who, in its discretion, is found deficient
47 in the examination. The Board may refuse to grant a license to any person guilty of cheating,
48 deception or fraud during the examination, or whose examination discloses to the satisfaction of
49 the Board, a deficiency in academic or clinical education. The Board may employ such dentists
50 found qualified therefor by the Board, in examining applicants for licenses as it deems
51 appropriate.

1 The North Carolina State Board of Dental Examiners may refuse to grant a license to ~~any~~
2 ~~person guilty of a crime involving moral turpitude, or gross immorality, or to any person addicted~~
3 ~~to the use of alcoholic liquors or narcotic drugs to such an extent as, in the opinion of the Board,~~
4 ~~renders the applicant unfit to practice dentistry.~~

5 Any license obtained through fraud or by any false representation shall be void ab initio and
6 of no effect."

7 **SECTION 9.(b)** G.S. 90-41(a) reads as rewritten:

8 "(a) The North Carolina State Board of Dental Examiners shall have the power and
9 authority to (i) Refuse to issue a license to practice dentistry; (ii) Refuse to issue a certificate of
10 renewal of a license to practice dentistry; (iii) Revoke or suspend a license to practice dentistry;
11 and (iv) Invoke such other disciplinary measures, censure, or probative terms against a licensee
12 as it deems fit and proper;

13 in any instance or instances in which the Board is satisfied that such applicant or licensee:

14 ...

15 (4) Has been convicted of or entered a plea of guilty or nolo contendere to any
16 felony ~~charge or to any misdemeanor charge involving moral~~
17 ~~turpitude;charge.~~

18"

19 **SECTION 10.** G.S. 90-113.44(a) reads as rewritten:

20 "(a) Grounds for disciplinary action for an applicant or credentialed professional include:

21 ...

22 (4) Conviction of a ~~felony or other public offense involving moral turpitude.~~
23 felony. Conviction of a Class A-E felony shall result in an immediate
24 suspension of licensure, certification, or registration for a minimum of one
25 year.

26"

27 **SECTION 11.** G.S. 90-121.2(a) reads as rewritten:

28 "(a) The Board shall have the power to make, adopt, and promulgate such rules and
29 regulations, including rules of ethics, as may be necessary and proper for the regulation of the
30 practice of the profession of optometry and for the performance of its duties. The Board shall
31 have jurisdiction and power to hear and determine all complaints, allegations, charges of
32 malpractice, corrupt or unprofessional conduct, and of the violation of the rules and regulations,
33 including rules of ethics, made against any optometrist licensed to practice in North Carolina.
34 The Board shall also have the power and authority to: (i) refuse to issue a license to practice
35 optometry; (ii) refuse to issue a certificate of renewal of a license to practice optometry; (iii)
36 revoke or suspend a license to practice optometry; and (iv) invoke such other disciplinary
37 measures, censure, or probative terms against a licensee as it deems fit and proper; in any instance
38 or instances in which the Board is satisfied that such applicant or licensee:

39 ...

40 (4) Has been convicted of or entered a plea of guilty or nolo contendere to any
41 felony ~~charge or to any misdemeanor charge involving moral~~
42 ~~turpitude;charge;~~

43 ...

44 (10) ~~Has engaged in such immoral conduct as to discredit the optometry~~
45 ~~profession;~~

46"

47 **SECTION 12.** G.S. 90-154(b) reads as rewritten:

48 "(b) Any one of the following is grounds for disciplinary action by the Board under
49 subsection (a):

50 ...

51 (2) Conviction of a ~~felony or of a crime involving moral turpitude.~~felony.

1"

2 **SECTION 13.** G.S. 90-187.8(c) reads as rewritten:

3 "(c) Grounds for disciplinary action shall include but not be limited to the following:

4 ...

5 (5) Conviction of a ~~felony or other public offense involving moral~~
6 ~~turpitude.~~felony.

7"

8 **SECTION 14.** G.S. 90-202.8(a) reads as rewritten:

9 "(a) The North Carolina State Board of Podiatry Examiners, in accordance with Chapter
10 150B (Administrative Procedure Act) of the General Statutes, shall have the power and authority
11 to: (i) refuse to issue a license to practice podiatry; (ii) refuse to issue a certificate of renewal
12 of a license to practice podiatry; (iii) revoke or suspend a license to practice podiatry; and (iv)
13 invoke such other disciplinary measures, censure, or probative terms against a licensee as it
14 deems fit and proper;

15 in any instance or instances in which the Board is satisfied that such applicant or licensee:

16 ...

17 (4) Has been convicted of or entered a plea of guilty or nolo contendere to any
18 ~~felony charge or to any misdemeanor charge involving moral~~
19 ~~turpitude;~~charge;

20"

21 **SECTION 15.(a)** G.S. 90-210.25 reads as rewritten:

22 "**§ 90-210.25. Licensing.**

23 ...

24 (c) Registration, Filing and Transportation. –

25 ...

26 (14) The Board may suspend, revoke, or refuse to issue or renew the permit, place
27 the permittee on a term of probation, or impose a civil penalty not to exceed
28 five thousand dollars (\$5,000) in conjunction with a term of probation or in
29 lieu of other disciplinary action when it finds that any person permitted to
30 transport dead human bodies has engaged in any of the following acts:

31 a. Conviction of a felony or a crime involving ~~fraud or moral~~
32 ~~turpitude.~~fraud.

33 ...

34 (e) Revocation; Suspension; Compromise; Disclosure. –

35 (1) Whenever the Board finds that an applicant for a license or a person to whom
36 a license has been issued by the Board is guilty of any of the following acts or
37 omissions and the Board also finds that the person has thereby become unfit
38 to practice, the Board may suspend or revoke the license or refuse to issue or
39 renew the license, in accordance with the procedures set out in Chapter 150B
40 of the General Statutes:

41 a. Conviction of a felony or a crime involving ~~fraud or moral~~
42 ~~turpitude.~~fraud.

43"

44 **SECTION 15.(b)** G.S. 90-210.69(c) reads as rewritten:

45 "(c) In accordance with the provisions of Chapter 150B of the General Statutes, if the
46 Board finds that a licensee, an applicant for a license or an applicant for license renewal is guilty
47 of one or more of the following, the Board may refuse to issue or renew a license or may suspend
48 or revoke a license or place the holder thereof on probation upon conditions set by the Board,
49 with revocation upon failure to comply with the conditions:

50 ...

51 (3) A crime involving ~~fraud or moral turpitude by conviction thereof.~~fraud.

1"

2 **SECTION 15.(c)** G.S. 90-210.123(g) reads as rewritten:

3 "(g) Whenever the Board finds that an owner, partner, crematory manager, member,
4 officer, or any crematory technician of a crematory licensee or any applicant to become a
5 crematory licensee, or that any authorized employee, agent, or representative has violated any
6 provision of this Article, or is guilty of any of the following acts, and when the Board also finds
7 that the crematory operator or applicant has thereby become unfit to practice, the Board may
8 suspend, revoke, or refuse to issue or renew the license, in accordance with Chapter 150B of the
9 General Statutes:

10 (1) Conviction of a felony or a crime involving ~~fraud or moral turpitude~~fraud.

11"

12 **SECTION 16.** G.S. 90-229(a) reads as rewritten:

13 "(a) The North Carolina State Board of Dental Examiners shall have the power and
14 authority to (i) Refuse to issue a license to practice dental hygiene; (ii) Refuse to issue a certificate
15 of renewal to practice dental hygiene; (iii) Revoke or suspend a license to practice dental hygiene;
16 [and] (iv) Invoke such other disciplinary measures, censure or probative terms against a licensee
17 as it deems proper; in any instance or instances in which the Board is satisfied that such applicant
18 or licensee:

19 ...

20 (3) Has been convicted of or entered a plea of guilty or nolo contendere to any
21 felony ~~charge or to any misdemeanor charge involving moral~~
22 ~~turpitude~~charge;

23"

24 **SECTION 17.** G.S. 90-249.1(a) reads as rewritten:

25 "(a) The Board may suspend, revoke, or refuse to issue, renew, or reinstate any license for
26 any of the following:

27 ...

28 (8) Being convicted of a crime involving ~~fraud or moral turpitude~~fraud.

29"

30 **SECTION 18.(a)** G.S. 90-270.7(c) reads as rewritten:

31 "(c) A Board member shall be automatically removed from the Board if he or she:

32 ...

33 (4) Is found to be guilty of a felony ~~or an unlawful act involving moral turpitude~~
34 by a court of competent jurisdiction or is found to have entered a plea of nolo
35 contendere to a ~~felony or an unlawful act involving moral turpitude~~felony;

36"

37 **SECTION 18.(b)** G.S. 90-270.15(a) reads as rewritten:

38 "(a) Any applicant for licensure or health services provider certification and any person
39 licensed or certified under this Article shall have behaved in conformity with the ethical and
40 professional standards specified in this Code of Conduct and in the rules of the Board. The Board
41 may deny, suspend, or revoke licensure and certification, and may discipline, place on probation,
42 limit practice, and require examination, remediation, and rehabilitation, or any combination
43 thereof, all as provided for in subsection (b) below. The Board shall act upon proof that the
44 applicant or licensee engaged in illegal, immoral, dishonorable, unprofessional, or unethical
45 conduct by violating any of the provisions of the Code of Conduct as follows:

46 (1) Has been convicted of a felony or entered a plea of guilty or nolo contendere
47 to any felony charge;

48 (2) Has been convicted of or entered a plea of guilty or nolo contendere to any
49 misdemeanor involving ~~moral turpitude~~, misrepresentation or fraud in dealing
50 with the public, or conduct otherwise relevant to fitness to practice

1 psychology, or a misdemeanor charge reflecting the inability to practice
2 psychology with due regard to the health and safety of clients or patients;

3"

4 **SECTION 19.** G.S. 90-270.60(a) reads as rewritten:

5 "(a) The Board may deny, revoke, or suspend licensure, discipline, place on probation,
6 limit practice, or require examination, remediation, or rehabilitation, or any combination of the
7 disciplinary actions described in this subsection, of any applicant or person licensed under this
8 Article on one or more of the following grounds:

9 ...

10 (2) Has been convicted of or entered a plea of guilty or nolo contendere to any
11 misdemeanor involving ~~moral turpitude~~, misrepresentation, or fraud in
12 dealing with the public, or conduct otherwise relevant to fitness to practice
13 marriage and family therapy, or a misdemeanor charge reflecting the inability
14 to practice marriage and family therapy with due regard to the health and
15 safety of clients.

16"

17 **SECTION 20.** G.S. 90-270.76(a) reads as rewritten:

18 "(a) The Board may deny or refuse to renew a license, may suspend or revoke a license,
19 or may impose probationary conditions on a license if the licensee or applicant for licensure has
20 engaged in any of the following conduct:

21 ...

22 (3) Having been convicted of or pleaded guilty or nolo contendere to a crime
23 involving ~~moral turpitude~~ or any crime which indicates that the occupational
24 therapist or occupational therapy assistant is unfit or incompetent to practice
25 occupational therapy or that the occupational therapist or occupational therapy
26 assistant has deceived or defrauded the public.

27"

28 **SECTION 21.** G.S. 90-270.103 reads as rewritten:

29 **"§ 90-270.103. Grounds for disciplinary action.**

30 Grounds for disciplinary action shall include but not be limited to the following:

31 ...

32 (4) Conviction of a ~~felony or other public offense involving moral turpitude,~~
33 felony, until proof of rehabilitation can be established;

34"

35 **SECTION 22.** G.S. 90-340(a) reads as rewritten:

36 "(a) The Board may, in accordance with the provisions of Chapter 150B of the General
37 Statutes, deny, suspend, or revoke licensure, discipline, place on probation, limit practice, or
38 require examination, remediation, or rehabilitation of any person licensed under this Article on
39 one or more of the following grounds:

40 ...

41 (2) Has been convicted of or entered a plea of guilty or nolo contendere to any
42 misdemeanor involving ~~moral turpitude~~, ~~misrepresentation~~, or
43 misrepresentation, fraud in dealing with the public, or conduct otherwise
44 relevant to fitness to practice professional counseling, or a misdemeanor
45 charge reflecting the inability to practice professional counseling with due
46 regard to the health and safety of clients or patients.

47"

48 **SECTION 23.** G.S. 90-363(a) reads as rewritten:

49 "(a) The Board may deny or refuse to renew a license, may suspend or revoke a license,
50 or may impose probationary conditions on a license if the licensee or applicant for licensure has
51 engaged in any of the following conduct:

- (1) Employment of fraud, deceit or misrepresentation in obtaining or attempting to obtain a license, or the renewal of a license.
- (2) Committing an act or acts of malpractice, gross negligence or incompetence in the practice of dietetics or nutrition.
- (3) Practicing as a licensed dietitian/nutritionist or a licensed nutritionist without a current license.
- (4) Engaging in conduct that could result in harm or injury to the public.
- (5) Conviction of or a plea of guilty or nolo contendere to any ~~crime involving moral turpitude.~~felony.

...."

SECTION 24. G.S. 90-390(a) reads as rewritten:

"(a) A certificate applied for or issued under this Article may be refused, suspended, revoked, or otherwise limited as provided in subsection (e) of this section by the Board upon proof that the applicant or person to whom a certificate was issued:

- (1) Has been convicted of a felony;
- (2) Has been convicted of a misdemeanor involving ~~moral turpitude,~~ misrepresentation or fraud in dealing with the public, or an offense relevant to fitness to practice certified fee-based pastoral counseling;

...."

SECTION 25.(a) G.S. 90-631.3(a) reads as rewritten:

"(a) The Board may deny, suspend, revoke, or refuse to approve a massage and bodywork therapy school for any of the following reasons:

...

- (10) ~~The applicant for or holder of massage and bodywork therapy school approval has pleaded guilty, entered a plea of nolo contendere, or has been found guilty of a crime involving moral turpitude by a judge or jury in any state or federal court."~~

SECTION 25.(b) G.S. 90-632.15(a) reads as rewritten:

"(a) The Board may deny, suspend, revoke, discipline, or refuse to approve a massage and bodywork therapy establishment for any of the following reasons:

...

- (10) ~~The applicant for or holder of a massage and bodywork therapy establishment license has pleaded guilty, entered a plea of nolo contendere, or has been found guilty of a crime involving moral turpitude by a judge or jury in any state or federal court."~~

SECTION 25.(c) G.S. 90-633(a) reads as rewritten:

"(a) The Board may deny, suspend, revoke, or refuse to license a massage and bodywork therapist or applicant for any of the following:

...

- (4) Conviction of a ~~felony or other public offense involving moral turpitude.~~felony.

...."

SECTION 26. G.S. 90-659(a) reads as rewritten:

"(a) The Board shall take the necessary actions to deny or refuse to renew a license, suspend or revoke a license, or to impose probationary conditions on a licensee or applicant if the licensee or applicant:

...

- (2) ~~Was convicted of or entered a plea of guilty or nolo contendere to any crime involving moral turpitude.~~

...."

SECTION 27. G.S. 90A-64 reads as rewritten:

1 **"§ 90A-64. Suspensions and revocations of certificates.**

2 (a) The Board shall have the power to refuse to grant, or may suspend or revoke, any
3 certificate issued under provisions of this Article for any of the causes hereafter enumerated, as
4 determined by the Board:

5 ...

6 (9) Conviction in any court of a crime involving moral turpitude or conviction of
7 a felony;

8 ...

9 (a1) A registered environmental health specialist or registered environmental health
10 specialist intern who is convicted of a felony ~~or a crime of moral turpitude~~ shall report the
11 conviction to the Board within 30 days from the date of the conviction. A felony conviction shall
12 result in the automatic suspension of a certificate issued by the Board for 60 days until further
13 action is taken by the Board. The Board shall immediately begin the hearing process in
14 accordance with Article 3A of Chapter 150B of the General Statutes. Nothing in this section shall
15 preclude the Board from taking further action.

16"

17 **SECTION 28.(a)** G.S. 93A-6(b) reads as rewritten:

18 "(b) The Commission may suspend or revoke any license issued under the provisions of
19 this Chapter or reprimand or censure any licensee when:

20 (1) The licensee has obtained a license by false or fraudulent representation;

21 (2) The licensee has been convicted or has entered a plea of guilty or no contest
22 upon which final judgment is entered by a court of competent jurisdiction in
23 this State, or any other state, of any misdemeanor or felony that involves false
24 swearing, misrepresentation, deceit, extortion, theft, bribery, embezzlement,
25 false pretenses, fraud, forgery, larceny, misappropriation of funds or property,
26 perjury, or any other offense showing professional unfitness or ~~involving~~
27 ~~moral turpitude~~ which would reasonably affect the licensee's performance in
28 the real estate business;

29"

30 **SECTION 28.(b)** G.S. 93A-38 reads as rewritten:

31 **"§ 93A-38. Suspension, revocation or denial of license.**

32 The Commission shall have the power to suspend, revoke, deny issuance, or deny renewal of
33 license to operate a private real estate school. In all proceedings to suspend, revoke or deny a
34 license, the provisions of Chapter 150B of the General Statutes shall be applicable. The
35 Commission may suspend, revoke, or deny such license when it finds:

36 ...

37 (6) ~~That the applicant for or holder of such license or any officer of a corporate~~
38 ~~licensee or corporation applying for a license, any partner of a partnership~~
39 ~~licensee or partnership applying for a license, or any member of a limited~~
40 ~~liability company licensee or limited liability company applying for a license~~
41 ~~has pleaded guilty, entered a plea of nolo contendere or been found guilty of~~
42 ~~a crime involving moral turpitude in any state or federal court."~~

43 **SECTION 29.** G.S. 93E-2-8(a) reads as rewritten:

44 "(a) The Board may, by order, deny, suspend, revoke, or refuse to issue or renew a
45 registration of an appraisal management company under this Article or may restrict or limit
46 activities of a person who owns an interest in or participates in the business of an appraisal
47 management company if the Board determines that an applicant, registrant, or any partner,
48 member, manager, officer, director, compliance manager, or person occupying a similar status,
49 performing similar functions, or directly or indirectly controlling the applicant or registrant has
50 done any of the following:

51 ...

1 (3) Been convicted of any felony or, within the past 10 years, been convicted of
2 any misdemeanor involving mortgage lending or real estate appraisal or any
3 offense involving breach of trust, ~~moral turpitude~~, or fraudulent or dishonest
4 dealing.

5"

6 **SECTION 30.** This act becomes effective October 1, 2019.