





Authority to regulate

- The right to engage in lawful trades professions, and occupations
- Constitutionally protected
- Limitations




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Authority to regulate

- Tenth Amendment-Police Power
- Standards of Care & Practice
- General Areas
 - Unprofessional conduct
 - Dishonorable conduct
 - Gross incompetence
 - Unlicensed activity





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§ 90-171.19. Legislative findings.


The General Assembly of North Carolina finds that mandatory licensure of all who engage in the practice of nursing is necessary to ensure minimum standards of competency and to provide the public safe nursing care.


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§ 54.1-100, Code of Virginia

The right of every person to engage in any lawful profession, trade or occupation of his choice is clearly protected by both the Constitution of the United States and the Constitution of the Commonwealth of Virginia. The Commonwealth cannot abridge such rights except as a reasonable exercise of its police powers when it is clearly found that such abridgment is necessary for the preservation of the health, safety and welfare of the public.

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No regulation shall be imposed except for the exclusive purpose of protecting the public interest when:

- Potential for harm from the unregulated practice is recognizable and not remote or dependent upon tenuous argument;
- Has inherent qualities distinguishing it from ordinary work and labor;
- Requires specialized skill or training; and
- The public is not effectively protected by other means.

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Professional Discipline

Fundamental Principles

1. Public protection
2. Fitness to practice
3. Minimal level of competence



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Policy Considerations

- Enforcement v. Compliance
- Changing behavior
- Options for Sanctions
- Individual rights



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Roles of Participants

- Board/Board member
- Investigator



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Roles of Participants

- Board Attorney
- Regulant's Attorney
- Presiding Officer



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