

## **21 NCAC 68 .0509 CLIENT RELATIONSHIPS**

(a) The substance use disorder professional shall not enter into a client-professional relationship with members of the professional's immediate family. For the purpose of this Rule "immediate family" means spouse, parent, sibling, child, grandparent, grandchild, stepchild, stepparent, parent-in-law, and child-in-law.

(b) The professional shall avoid dual relationships that could impair professional judgment or increase the risk of exploitation of a client. For the purpose of this Rule "dual relationships" includes relationships in a social media setting where the professional and client have access to privileged information including relationships, photographs, and personal thoughts and opinions of the professional and the client.

(c) Sexual activity or sexual contact of a substance use disorder professional with a client shall be restricted as follows:

- (1) The substance use disorder professional shall not engage in or solicit sexual activity or sexual contact with a current client.
- (2) The substance use disorder professional shall not engage in or solicit sexual activity or sexual contact with a former client for five years after the termination of the counseling or consulting relationship.
- (3) The substance use disorder professional shall not engage in or solicit sexual activity or sexual contact with any client the professional knows to be currently in treatment at their own agency or place of professional employment.
- (4) The substance use disorder professional shall not knowingly engage in or solicit sexual activity or sexual contact with any identified former client of their own agency or place of professional employment for five years after the termination of the counseling or consulting relationship if both the professional was employed at the agency and the former client was a client of the agency during the same time period.
- (5) Because sexual activity with a client is harmful to the client, a substance use disorder professional shall not engage in sexual activities with a former client even after a five-year interval unless the substance use disorder professional who engages in such activity after the five years following cessation or termination of treatment bears the burden of demonstrating that there has been no harm to the client in light of all relevant factors, including the following:
  - (A) the amount of time that has passed since treatment services were terminated;
  - (B) the nature and duration of the treatment services;
  - (C) the circumstances of termination;
  - (D) the client's personal history;
  - (E) the client's current mental status;
  - (F) the likelihood of adverse impact on the client and others; and
  - (G) any statement made or action taken by the substance use disorder professional during the course of treatment suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.

(d) The substance use disorder professional shall not misuse their professional relationship for sexual, financial, or any other personal advantage.

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.44;  
Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Eff. February 1, 1996;  
Amended Eff. February 1, 2010; April 1, 2001; August 1, 2000;  
Readopted Eff. October 1, 2020.*