



CHAPTER 90
ARTICLE 6 - OPTOMETRY

N.C.G.S. § 90-121.7.

Duty to report certain other acts or events.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT No amendment history on record	RETRIEVED 21 September 2026, 05:36 UTC	SOURCE FINGERPRINT bc5764db7b6280f7c482a2cc - 60df11e22c7fe53c08fba765 - 75149af73d366571
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§ 90-121.7(a)

AFFIRMATIVE
DEFENSE

Every licensee has a duty to report to the Board any incidents that the licensee reasonably believes to have occurred, involving any of the following, within 30 days of learning about the incident:

- (1) Sexual misconduct of any person licensed by the Board under this Article with a patient. Patient consent or initiation of acts or contact by a patient shall not constitute affirmative defenses to sexual misconduct. For purposes of this subdivision, the term "sexual misconduct" means vaginal intercourse or any sexual act or sexual contact or touching as described in G.S. 14-17.20 [G.S. 14-27.20]. Sexual misconduct shall not include any act or contact that is for an accepted medical purpose.
- (2) Fraudulent prescribing, drug diversion, or theft of any controlled substances by another person licensed by the Board under this Article. For purposes of this subdivision, the term "drug diversion" means transferring controlled substances or prescriptions for controlled substances to any of the following:

a.The licensee for personal use.

b.The licensee's immediate family member, including a spouse, parent, child, sibling, and any stepfamily member or in-law coextensive with the preceding identified relatives.

c.Any other person living in the same residence as the licensee.

d.Any person with whom the licensee is having a sexual relationship.

e.Any individual unless for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.

§ 90-121.7(b) For persons issued a license to practice by the Board under this Article, failure to report under this section shall constitute unprofessional conduct and shall be grounds for discipline under G.S. 90-121.2.

§ 90-121.7(c) Any person who reports under this section in good faith and without fraud or malice shall be immune from civil liability. Reports made in bad faith, fraudulently, or maliciously shall constitute unprofessional conduct and shall be grounds for discipline under G.S. 90-121.2.

§ 90-121.7(d) Reports under this section shall be made to the Board by one of the following methods:

- (1) Certified mail and obtaining a delivery receipt.
- (2) A designated delivery service authorized by G.S. 1A-1, Rule 4(j), and obtaining a delivery receipt.
- (3) Emailing the Board at their public email address found on the Board's website and confirming receipt by the Board via return email. (2023-129, s. 5.1(e).)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
4 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 14-17.20	(a)(1)	"contact or touching as described in"
G.S. 14-27.20	(a)(1)	"as described in G.S. 14-17.20 ["
G.S. 90-121.2	(b)	"shall be grounds for discipline under"
G.S. 1A-1	(d)(2)	"A designated delivery service authorized by"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 90-121.7 (2026).

PINPOINT

N.C. Gen. Stat. § 90-121.7(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

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