

Standards of Proof Required in Board Disciplinary Matters

SMB	Preponderance of Evidence	Clear and Convincing Evidence	Evidentiary Standard Varies According to Violation	Explanation if Standard Varies
AL	—	—	—	"Substantial evidence" standard. The Administrative Procedure Act declares that we follow the rules of evidence used in the civil courts of Alabama. Ala. code 12-21-12 mandates that, in all civil actions brought in any "state court, proof by substantial evidence is required." In § 12-21-12(d), "substantial evidence" is defined as "evidence of such quality and weight that reasonable and fair-minded persons in the exercise of impartial judgement might reach different conclusions as to the existence of the fact sought to be proven."
AK	X	—	—	
AZ-M	X	X	X	Board's standard of proof is clear and convincing except for sexual misconduct and licensing cases, where it is preponderance of evidence
AZ-O	—	X	—	
AR	X	—	—	
CA-M	—	X	—	
CA-O	—	X	—	
CO	X	—	—	
CT	X	—	—	
DE	X	—	—	
DC	X	—	—	
FL-M	—	X	—	
FL-O	—	X	—	
GA	X	—	—	
GU	X	—	—	
HI	X	—	—	
ID	X	—	X	
IL	—	X	—	
IN	X	—	—	
IA	X	—	—	
KS	X	X	X	If felony conviction, presumed revocation. Licensee has to prove by clear and convincing evidence they are rehabilitated and warrant public trust. KSA 65-2838(b) and KSA 65-2844 provide the two notable exceptions to this standard.
KY	X	—	—	
LA	—	X	—	
ME-M	X	—	—	
ME-O	X	—	—	
MD	X	—	—	
MA	X	—	—	
MI-M	X	X	X	For reinstatement, licensee needs to show clear and convincing
MI-O	X	X	X	
MN	X	—	—	
MS	X	—	—	
MO	X	—	—	
MP	X	—	—	Non-trivial complaints is the standard under which a complaint is determined to move forward
MT	X	—	—	Reasonable cause is the standard under which a complaint moves forward
NE	—	X	—	
NV-M	X	—	—	
NV-O	X	—	—	
NH	—	X	—	
NJ	X	—	—	
NM	X	—	—	
NY	X (PMC)	—	—	
NC	X	—	—	
ND	X	X	X	Clear and convincing required for ex parte suspensions
OH	X	—	X	
OK-M	—	X	—	
OK-O	—	X	—	
OR	X	—	—	
PA-M	X	—	—	
PA-O	X	—	—	
PR	—	—	—	
RI	X	—	—	
SC	X	—	—	
SD	X	X	X	
TN-M	X	—	—	
TN-O	X	—	—	
TX	X	—	—	
UT	X	—	—	
VT-M	X	—	—	
VT-O	X	—	—	
VI	X	—	—	
VA	—	X	—	
WA-M	X	X	X	
WA-O	X	X	X	
WV-M	—	X	—	
WV-O	X	—	—	
WI	X	—	—	
WY	X	X	X	Clear and convincing when charging licensee; preponderance when licensee is getting license back or restrictions lifted