

Standards of Proof Required in Board Disciplinary Matters

SMB	Preponderance of evidence	Clear and convincing evidence	Evidence beyond a reasonable doubt	Evidentiary standard varies according to violation	Explanation if standard varies
					"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."
AL	—	—	—	—	
AK	X	—	—	—	
AZ-M	—	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	—	—	
IL	—	X	—	—	
IN	X	—	—	—	
IA	X	—	—	—	
KS	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	—	—	For reinstatement, licensee needs to show clear and convincing
MI-O	X	X	—	—	
MN	X	—	—	—	
MS	X	—	—	—	
MO	X	—	—	—	
MP	X	X	—	—	Non-trivial complaints is the standard under which a complaint is determined to move forward
MT	—	—	—	—	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	—	—	Clear and convincing required for ex parte suspensions
OH	X	—	—	—	
OK-M	—	X	—	—	
OK-O	—	X	—	—	
OR	X	—	—	—	
PA-M	X	—	—	—	
PA-O	X	—	—	—	
PR	X	X	X	—	
RI	X	—	—	—	
SC	X	—	—	—	
SD	X	X	—	—	
TN-M	X	—	—	—	
TN-O	X	—	—	—	
TX	X	—	—	—	
UT-M	X	X	X	—	
UT-O	X	X	X	—	
VT-M	X	—	—	—	
VT-O	X	—	—	—	
VI	X	—	—	—	
VA	—	X	—	—	
WA-M	—	X	—	—	
WA-O	X	X	—	—	
WV-M	—	X	—	—	
WV-O	X	—	—	—	
WI	X	—	—	—	
WY	—	—	—	X	Clear and convincing when charging licensee; preponderance when licensee is getting license back or restrictions lifted