A BILL TO BE ENTITLED

AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE ACT BY REPEALING THE CERTIFIED SUBSTANCE ABUSE RESIDENTIAL FACILITY DIRECTOR CREDENTIAL; CLARIFYING WHAT CONSTITUTES INDEPENDENT STUDY; MODIFYING THE MEMBERSHIP OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD; INCREASING THE NUMBER OF BOARD-APPROVED EDUCATION HOURS REQUIRED FOR CERTIFICATION AS A SUBSTANCE ABUSE COUNSELOR, SUBSTANCE ABUSE PREVENTION CONSULTANT, OR CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL; AND ESTABLISHING A PROGRAM FOR IMPAIRED SUBSTANCE ABUSE PROFESSIONALS.

The General Assembly of North Carolina enacts:

PART I. REPEAL OF CERTIFIED SUBSTANCE ABUSE RESIDENTIAL FACILITY DIRECTOR CREDENTIAL

SECTION 1. (a) The certified substance abuse residential facility director credential is repealed. The North Carolina Substance Abuse Professional Practice Board shall no longer issue or renew a certified substance abuse residential facility director credential to any person.

(b) G.S. 90-113.31A(8) and G.S. 90-113.31B are repealed.

(c) G.S. 90-113.42(d) reads as rewritten:

"(d) Only individuals registered, certified, or licensed under this Article may use the title "Certified Substance Abuse Counselor", "Certified Substance Abuse Prevention Consultant", "Certified Clinical Supervisor", "Licensed Clinical Addictions Specialist Associate", "Certified Substance Abuse Residential Facility Director", "Certified Criminal Justice Addictions Professional", "Substance Abuse Counselor Intern", "Provisional Licensed Clinical Addictions Specialist", "Clinical Supervisor Intern", or "Registrant".

(d) G.S. 90-113.43(a) reads as rewritten:

"(a) Except as otherwise authorized in this Article, no person shall:

(1) Offer substance abuse professional services, practice, attempt to practice, or supervise while holding himself or herself out to be a certified substance abuse counselor, certified substance abuse prevention consultant, certified clinical supervisor, licensed clinical addictions specialist, licensed clinical addictions specialist associate, certified substance abuse residential facility director, certified criminal justice addictions professional, clinical supervisor
General Assembly Of North Carolina
Session 2017

Page 2

House Bill 615 - First Edition

...the following definitions shall apply in this Article:

(18) Independent study. – Any course of directed study undertaken by an individual with little or no supervision that does not include traditional classroom-based study that must be preapproved by the Board or any organization that has deemed status with the Board.
course of study that does not include a network-enabled transfer of skills and knowledge from teacher to student being performed at the same time.

(27) Traditional classroom-based study. – An educational method of learning involving face-to-face communication or other shared communication being performed in either a shared physical setting or by audio conferencing methods, video conferencing methods, or both."

PART III. MODIFICATION OF NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD MEMBERSHIP

SECTION 3.(a) G.S. 90-113.32(c) reads as rewritten:

"(c) After the initial Board members' terms expire, the Board shall consist of the following members, all of whom shall reside in North Carolina, appointed or elected as follows:

(1) Eleven professionals credentialed pursuant to this Article and elected by the credentialed professionals, at least two of whom shall serve each of the four Division of Mental Health, Developmental Disabilities, and Substance Abuse Services regions of the State. Three members shall serve as members at large.

(2) Three members at large chosen from laypersons or other professional disciplines who have shown a special interest in the field of substance abuse, nominated by the Nominating and Elections Committee established by subsection (d) of this section and elected by the Board.

(3) Two members from the Department of Health and Human Services, appointed by the Chief of Community Policy Management of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, at least one of whom administers substance abuse services.

(4) One member of the public at large with personal interest in, or experience with, substance use disorder recovery modalities, substance use disorder prevention modalities, or both, appointed by the Governor.

(5) One member of the public at large Two professionals credentialed pursuant to this Article and appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 and one member of the public at large Two professionals credentialed pursuant to this Article and appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(6) One member shall represent each of the professional disciplines granted deemed status under G.S. 90-113.41A. The member may be appointed by the professional discipline on or before a date set by the Board. If the professional discipline has at least one association in the State, the member shall be chosen from a list of nominees submitted to the association. The members appointed or elected under this subdivision shall be certified as substance abuse specialists by the professional discipline that the members represent.

No member of the General Assembly shall serve on the Board."

SECTION 3.(b) Notwithstanding G.S. 90-113.32(e), the terms of current members appointed to the North Carolina Substance Abuse Professional Practice Board pursuant to G.S. 90-113.32(c)(2) expire on December 31, 2017. The terms of members appointed to the
North Carolina Substance Abuse Professional Practice Board pursuant to G.S. 90-113.32(c)(4) and G.S. 90-113.32(c)(5), as amended by this act, commence on January 1, 2018.

PART IV. INCREASE IN NUMBER OF BOARD-APPROVED EDUCATION HOURS REQUIRED FOR CERTIFICATION AS A SUBSTANCE ABUSE COUNSELOR, SUBSTANCE ABUSE PREVENTION CONSULTANT, OR CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL

SECTION 4. G.S. 90-113.40(a)(6) reads as rewritten:
"(6) The applicant has completed 270–300 hours of Board-approved education. The Board may prescribe that a certain number of hours be in a course of study for substance abuse counseling and that a certain number of hours be in a course of study for substance abuse prevention consulting. Independent study hours shall not compose more than fifty percent (50%) of the total number of hours required for initial credentialing."

SECTION 5. G.S. 90-113.40(d1)(1) reads as rewritten:
"(1) Has attained 270–300 hours of Board-approved education or training, unless the applicant has attained a minimum of a masters degree with a clinical application and a substance abuse specialty from a regionally accredited college or university whereby the applicant must only obtain 180 hours. The hours of education shall be specifically related to the knowledge and skills necessary to perform the tasks within the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Incorporated, "IC&RC/AODA, Inc.,” criminal justice addictions professional performance domains as they relate to both adults and juveniles. Independent study may compose up to fifty percent (50%) of the total number of hours obtained for initial certification or renewal."

PART V. ESTABLISHMENT OF PROGRAM FOR IMPAIRED SUBSTANCE ABUSE PROFESSIONALS

SECTION 6. Article 5C of Chapter 90 of the General Statutes is amended by adding a new section to read:
"§ 90-113.48. Program for impaired substance abuse professionals.
(a) There is created the North Carolina Impaired Professionals Program. The Board may provide funds for the administration of the Program, but the Program shall operate independently of the Board. The purpose of the Program is to provide screening, referral, monitoring, educational, and support services for professionals credentialed pursuant to this Article by reason of an impairment attributed to a physical or mental illness, a substance use disorder, or professional sexual misconduct.

(b) The Program may enter into an agreement with one or more professionals credentialed pursuant to this Article for the purposes of identifying, reviewing, and evaluating the ability of substance abuse professionals who are referred or self-referred to the Program to (i) function in their professional capacity and (ii) coordinate regimens for treatment and rehabilitation.

(c) An agreement entered into between the Program and a credentialed professional pursuant to subdivision (b)(2) of this section shall include guidelines for all of the following:
(1) Enrollment of credentialed professionals referred to the Program by the Board.
(2) Assessment, referral, monitoring, support, and education of credentialed professionals referred to the Program by reason of a physical or mental illness, a substance use disorder, or professional sexual misconduct.
House Bill 615

1. (3) Consistent with subsection (d) of this section, criteria for the Program to report credentialed professionals to the Board.

2. (4) Procedures by which credentialed professionals may obtain review of Program recommendations about the credentialed professional regarding assessment or treatment.

3. (5) Periodic reporting of statistical information by the Program to the Board.

4. (6) Maintaining the confidentiality of nonpublic information.

5. (d) The Program shall report immediately to the Board detailed information about any professional credentialed pursuant to this Article who meets any of the following criteria:

6. (1) Constitutes an imminent danger to patient care by reason of mental illness, physical illness, substance use disorder, professional sexual misconduct, or any other reason.

7. (2) Refuses to submit to an assessment as ordered by the Program.

8. (3) Has entered into a monitoring contract as a Program participant and fails to comply with the terms of the monitoring contract.

9. (4) Is still unsafe to practice as a substance abuse professional after completing Program services.

10. (e) Any information acquired, created, or used in good faith by the Program pursuant to this section is privileged, confidential, and not subject to discovery, subpoena, or other means of legal compulsion for release to any person other than to the Board, the Program, or their employees or consultants. No person participating in good faith in the Program shall be required in a civil action or proceeding to disclose the fact of participation in the Program or any information acquired or opinions, recommendations, or evaluations acquired or developed solely in the course of participating in the Program pursuant to this section. For purposes of this subsection, "civil action or proceeding" does not include an administrative action or proceeding conducted under this Article or under Chapter 150B of the General Statutes.

11. (f) Activities conducted in good faith pursuant to the agreement authorized by subdivision (b)(2) of this section shall not be grounds for civil action under the laws of this State.

12. (g) Upon the written request of a professional credentialed pursuant to this Article, the Program shall provide the credentialed professional and his or her legal counsel with a copy of a written assessment of the credentialed professional prepared as part of his or her participation in the Program. In addition, to the extent permitted by State and federal laws, the credentialed professional shall be entitled to a copy of any written assessment created by a treatment provider or facility at the recommendation of the Program. Any information the Program furnishes to a credentialed professional pursuant to this subsection shall be inadmissible in evidence and shall not be subject to discovery in any civil action or proceeding; provided, however, that this subsection shall not be construed to make information, documents, or records otherwise available for discovery or use in a civil action or proceeding immune from discovery or use in the civil action or proceeding merely because the information, documents, or records were included as part of the Program's assessment of the credentialed professional or were the subject of information furnished to the credentialed professional pursuant to this subsection. For purposes of this subsection, "civil action or proceeding" does not include an administrative action or proceeding conducted under this Article or Chapter 150B of the General Statutes.

13. (h) The Board shall adopt rules to apply to the operation of the Program, with provisions for at least all of the following:

14. (1) Definitions of impairments attributed to physical or mental illness, substance use disorder, and professional sexual misconduct.

15. (2) Guidelines for Program elements.

16. (3) Procedures for receipt and use of information of suspected impairment.

17. (4) Procedures for intervention and referral.
(5) Arrangements for monitoring treatment, rehabilitation, posttreatment support, and performance.

(6) Reports of individual cases to the Board.

(7) Periodic reporting of statistical information.

(8) Assurance of confidentiality of nonpublic information."

PART VI. EFFECTIVE DATE

SECTION 7. Except as otherwise provided, this act becomes effective October 1, 2017.