

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 678*
Committee Substitute Favorable 4/30/19

Short Title: Amend Counselor/SA/Soc. Worker Prof. Acts. (Public)

Sponsors:

Referred to:

April 11, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LICENSED PROFESSIONAL COUNSELORS ACT; TO
3 UPDATE AND REVISE THE SUBSTANCE ABUSE PROFESSIONAL PRACTICE ACT;
4 AND TO AMEND THE SOCIAL WORKER CERTIFICATION AND LICENSURE ACT.
5 The General Assembly of North Carolina enacts:

6
7 **PART I. CHANGES TO THE LICENSED PROFESSIONAL COUNSELORS ACT**

8 **SECTION 1.(a)** Article 24 of Chapter 90 of the General Statutes reads as rewritten:

9 "Article 24.

10 "Licensed ~~Professional~~Clinical Mental Health Counselors Act.

11 **"§ 90-329. Declaration of policy.**

12 It is declared to be the public policy of this State that the activities of persons who render
13 counseling services to the public be regulated to insure the protection of the public health, safety,
14 and welfare.

15 **"§ 90-330. Definitions; practice of counseling.**

16 (a) Definitions. – ~~As used in this Article certain terms are defined as follows:~~The
17 following definitions apply in this Article:

18 (1) Repealed by Session Laws 1993, c. 514, s. 1.

19 (1a) The "Board" means the Board of Licensed ~~Professional~~Clinical Mental
20 Health Counselors.

21 (2) A "licensed ~~professional~~clinical mental health counselor" is a person engaged
22 in the practice of counseling who holds a license as a licensed ~~professional~~
23 clinical mental health counselor issued under the provisions of this Article.

24 (2a) A "licensed ~~professional~~clinical mental health counselor associate" is a
25 person engaged in the supervised practice of counseling who holds a license
26 as a licensed ~~professional~~clinical mental health counselor associate issued
27 under the provisions of this Article.

28 (2b) A "licensed ~~professional~~clinical mental health counselor supervisor" is a
29 person engaged in the practice of counseling who holds a license as a licensed
30 ~~professional~~clinical mental health counselor and is approved by the Board to
31 provide clinical supervision under the provisions of this Article.

32 (3) The "practice of counseling" means holding oneself out to the public as a
33 ~~professional~~clinical mental health counselor offering counseling services that
34 include, but are not limited to, the following:

35 ...



1 The "practice of counseling" does not include the facilitation of
2 communication, understanding, reconciliation, and settlement of conflicts by
3 mediators at community mediation centers authorized by G.S. 7A-38.5.

4 (4) A "supervisor" means any licensed ~~professional~~clinical mental health
5 counselor supervisor or, when one is inaccessible, a licensed ~~professional~~
6 clinical mental health counselor or an equivalently and actively licensed
7 mental health professional, as determined by the Board, who meets the
8 qualifications established by the Board.

9 (b) Repealed by Session Laws 1993, c. 514, s. 1.

10 (c) Practice of Marriage and Family Therapy, Psychology, or Social Work. – No person
11 licensed as a licensed ~~professional~~clinical mental health counselor or licensed ~~professional~~
12 clinical mental health counselor associate under the provisions of this Article shall be allowed to
13 hold himself or herself out to the public as a licensed marriage and family therapist, licensed
14 practicing psychologist, psychological associate, or licensed clinical social worker unless
15 specifically authorized by other provisions of law.

16 **"§ 90-331. Prohibitions.**

17 It shall be unlawful for any person who is not licensed under this Article to engage in the
18 practice of counseling, use the title "Licensed ~~Professional~~Clinical Mental Health Counselor
19 Associate," "Licensed ~~Professional~~Clinical Mental Health Counselor," or "Licensed
20 ~~Professional~~Clinical Mental Health Counselor Supervisor," use the letters "~~LPCA,~~" "~~LPC,~~" or
21 "~~LPCS,~~" "LCMHCA," "LCMHC," or "LCMHCS," use any facsimile or combination of these
22 words or letters, abbreviations, or insignia, or indicate or imply orally, in writing, or in any other
23 way that the person is a licensed ~~professional~~clinical mental health counselor.

24 **"§ 90-332. Use of title by firm.**

25 It shall be unlawful for any firm, partnership, corporation, association, or other business or
26 professional entity to assume or use the title of licensed ~~professional~~clinical mental health
27 counselor unless each of the members of the firm, partnership, or association is licensed by the
28 Board.

29 **"§ 90-332.1. Exemptions from licensure.**

30 ...

31 (b) Persons who claim to be exempt under subsection (a) of this section are prohibited
32 from advertising or offering themselves as "licensed ~~professional~~clinical mental health
33 counselors".

34 ...

35 **"§ 90-333. North Carolina Board of Licensed ~~Professional~~Clinical Mental Health**
36 **Counselors; appointments; terms; composition.**

37 (a) For the purpose of carrying out the provisions of this Article, there is hereby created
38 the North Carolina Board of Licensed ~~Professional~~Clinical Mental Health Counselors which
39 shall consist of seven members appointed by the Governor in the manner hereinafter prescribed.
40 Any State or nationally recognized professional association representing ~~professional~~clinical
41 mental health counselors may submit recommendations to the Governor for Board membership.
42 The Governor may remove any member of the Board for neglect of duty or malfeasance or
43 conviction of a felony or other crime of moral turpitude, but for no other reason.

44 (b) At least five members of the Board shall be licensed ~~professional~~clinical mental
45 health counselors except that initial appointees shall be persons who meet the educational and
46 experience requirements for licensure as licensed ~~professional~~clinical mental health counselors
47 under the provisions of this Article; and two members shall be public-at-large members appointed
48 from the general public. Composition of the Board as to the race and sex of its members shall
49 reflect the population of the State and each member shall reside in a different congressional
50 district.

1 (c) At all times the Board shall include at least one counselor primarily engaged in
2 counselor education, at least one counselor primarily engaged in the public sector, at least one
3 counselor primarily engaged in the private sector, and two licensed ~~professional-clinical mental~~
4 health counselors at large.

5 ...

6 **"§ 90-334. Functions and duties of the Board.**

7 (a) The Board shall administer and enforce the provisions of this Article.

8 ...

9 (i) The Board shall establish the criteria for determining the qualifications constituting
10 "supervised ~~professional-clinical mental health~~ practice".

11 (j) The Board may examine, approve, issue, deny, revoke, suspend, and renew the
12 licenses of counselor applicants and licensees under this Article, and conduct hearings in
13 connection with these actions.

14 (k) The Board shall investigate, subpoena individuals and records, and take necessary
15 appropriate action to properly discipline persons licensed under this Article and to enforce this
16 Article.

17 (l) The Board shall establish a program for licensees who may be experiencing substance
18 use disorders, burnout, compassion fatigue, and other mental health concerns. In establishing this
19 program, the Board is authorized to enter into agreements with existing professional health care
20 programs. The Board is also authorized to refer any licensee to this program as part of the
21 disciplinary process. The Board may adopt rules implementing this program.

22 **"§ 90-335. Board general provisions.**

23 The Board shall be subject to the provisions of Chapter 93B of the General Statutes.

24 **"§ 90-336. Title and qualifications for licensure.**

25 (a) Each person desiring to be a licensed ~~professional-clinical mental health~~ counselor
26 associate, licensed ~~professional-clinical mental health~~ counselor, or licensed ~~professional-clinical~~
27 mental health counselor supervisor shall make application to the Board upon such forms and in
28 such manner as the Board shall prescribe, together with the required application fee.

29 (b) The Board shall issue a license as a "licensed ~~professional-clinical mental health~~
30 counselor associate" to an applicant who applies on or before March 1, 2016, and meets all of
31 the following criteria:

32 ...

33 (b1) The Board shall issue a license as a "licensed ~~professional-clinical mental health~~
34 counselor associate" to an applicant who applies after March 1, 2016, through June 30, 2022, and
35 meets all of the following criteria:

36 ...

37 (b2) The Board shall issue a license as a "licensed ~~professional-clinical mental health~~
38 counselor associate" to an applicant who applies on or after July 1, 2022, and meets all of the
39 following criteria:

40 ...

41 (c) The Board shall issue a license as a "licensed ~~professional-clinical mental health~~
42 counselor" to an applicant who meets all of the following criteria:

43 (1) Has met all of the requirements under subsection (b), (b1), or (b2) of this
44 section, as applicable.

45 (2) Has completed a minimum of 3,000 hours of supervised ~~professional-clinical~~
46 mental health practice as determined by the Board.

47 (d) A licensed ~~professional-clinical mental health~~ counselor may apply to the Board for
48 recognition as a "licensed ~~professional-clinical mental health~~ counselor supervisor" and receive
49 the credential "licensed ~~professional-clinical mental health~~ counselor supervisor" upon meeting
50 all of the following criteria:

51 (1) Has met all of the requirements under subsection (c) of this section.

- 1 (2) Has one of the following:
- 2 a. At least five years of full-time licensed ~~professional-clinical mental~~
- 3 health counseling experience, including a minimum of 2,500 hours of
- 4 direct client contact;
- 5 b. At least eight years of part-time licensed ~~professional-clinical mental~~
- 6 health counseling experience, including a minimum of 2,500 hours of
- 7 direct client contact; or
- 8 c. A combination of full-time and part-time ~~professional-clinical mental~~
- 9 health counseling experience, including a minimum of 2,500 hours of
- 10 direct client contact as determined by the Board.
- 11 (3) Has completed minimum education requirements in clinical supervision as
- 12 approved by the Board.
- 13 (4) Has an active license in good standing as a licensed ~~professional-clinical~~
- 14 mental health counselor approved by the Board.

15 **"§ 90-337. Persons credentialed in other states.**

16 (a) The Board may license any person who is currently licensed, certified, or registered

17 by another state if the individual has met requirements determined by the Board to be

18 substantially similar to or exceeding those established under this Article.

19 (b) The Board may enter into reciprocity agreements with another state that has

20 requirements for licensure as a clinical mental health counselor that are substantially similar or

21 that exceed requirements established under this Article.

22 **~~"§ 90-338. Exemptions.~~**

23 ~~Applicants holding certificates of registration as Registered Practicing Counselors and in~~

24 ~~good standing with the Board shall be issued licenses as licensed professional counselors without~~

25 ~~meeting the requirements of G.S. 90-336(e). The following applicants shall be exempt from the~~

26 ~~academic qualifications required by this Article for licensed professional counselor associates or~~

27 ~~licensed professional counselors and shall be licensed upon passing the Board examination and~~

28 ~~meeting the experience requirements:~~

- 29 (1) ~~An applicant who was engaged in the practice of counseling before July 1,~~
- 30 ~~1993, and who applied to the Board prior to January 1, 1996.~~
- 31 (2) ~~An applicant who holds a masters degree from a college or university~~
- 32 ~~accredited by one of the regional accrediting associations or from a college or~~
- 33 ~~university determined by the Board to have standards substantially equivalent~~
- 34 ~~to a regionally accredited institution, provided the applicant was enrolled in~~
- 35 ~~the masters program prior to July 1, 1994.~~

36 ...

37 **"§ 90-340. Protection of the public.**

38 (a) The Board may, in accordance with the provisions of Chapter 150B of the General

39 Statutes, deny, suspend, or revoke licensure, discipline, place on probation, limit practice, or

40 require examination, remediation, or rehabilitation of any person licensed under this Article on

41 one or more of the following grounds:

- 42 (1) Has been convicted of a felony or entered a plea of guilty or nolo contendere
- 43 to any felony charge under the laws of the United States or of any state of the
- 44 United States.
- 45 (2) Has been convicted of or entered a plea of guilty or nolo contendere to any
- 46 misdemeanor involving moral turpitude, misrepresentation, or fraud in
- 47 dealing with the public, or conduct otherwise relevant to fitness to practice
- 48 professional-clinical mental health counseling, or a misdemeanor charge
- 49 reflecting the inability to practice professional-clinical mental health
- 50 counseling with due regard to the health and safety of clients or patients.

- 1 (3) Has engaged in fraud or deceit in securing or attempting to secure or renew a
2 license under this Article or has willfully concealed from the Board material
3 information in connection with application for a license or renewal of a license
4 under this Article.
- 5 (4) Has practiced any fraud, deceit, or misrepresentation upon the public, the
6 Board, or any individual in connection with the practice of ~~professional~~
7 clinical mental health counseling, the offer of ~~professional-clinical mental~~
8 health counseling services, the filing of Medicare, Medicaid, or other claims
9 to any third-party payor, or in any manner otherwise relevant to fitness for the
10 practice of ~~professional-clinical mental health~~ counseling.
- 11 (5) Has made fraudulent, misleading, or intentionally or materially false
12 statements pertaining to education, licensure, license renewal, certification as
13 a health services provider, supervision, continuing education, any disciplinary
14 actions or sanctions pending or occurring in any other jurisdiction,
15 professional credentials, or qualifications or fitness for the practice of
16 ~~professional-clinical mental health~~ counseling to the public, any individual,
17 the Board, or any other organization.
- 18 (6) Has had a license or certification for the practice of ~~professional-clinical~~
19 mental health counseling in any other jurisdiction suspended or revoked, or
20 has been disciplined by the licensing or certification board in any other
21 jurisdiction for conduct which would subject him or her to discipline under
22 this Article.
- 23 (7) Has violated any provision of this Article or any rules adopted by the Board.
- 24 (8) Has aided or abetted the unlawful practice of ~~professional-clinical mental~~
25 health counseling by any person not licensed by the Board.
- 26 (9) Has been guilty of immoral, dishonorable, unprofessional, or unethical
27 conduct as defined in this subsection or in the current code of ethics of the
28 American Counseling Association. However, if any provision of the code of
29 ethics is inconsistent and in conflict with the provisions of this Article, the
30 provisions of this Article shall control.
- 31 (10) Has practiced ~~professional-clinical mental health~~ counseling in such a manner
32 as to endanger the welfare of clients.
- 33 (11) Has demonstrated an inability to practice ~~professional-clinical mental health~~
34 counseling with reasonable skill and safety by reason of illness, inebriation,
35 misuse of drugs, narcotics, alcohol, chemicals, or any other substance
36 affecting mental or physical functioning, or as a result of any mental or
37 physical condition.
- 38 (12) Has practiced ~~professional-clinical mental health~~ counseling outside the
39 boundaries of demonstrated competence or the limitations of education,
40 training, or supervised experience.
- 41 (13) Has exercised undue influence in such a manner as to exploit the client,
42 patient, student, supervisee, or trainee for the financial or other personal
43 advantage or gratification of the licensed ~~professional-clinical mental health~~
44 counselor associate, licensed ~~professional-clinical mental health~~ counselor, or
45 a third party.
- 46 (14) Has harassed or abused, sexually or otherwise, a client, patient, student,
47 supervisee, or trainee.
- 48 (15) Has failed to cooperate with or to respond promptly, completely, and honestly
49 to the Board, to credentials committees, or to ethics committees of
50 professional associations, hospitals, or other health care organizations or
51 educational institutions, when those organizations or entities have jurisdiction.

- 1 (16) Has refused to appear before the Board after having been ordered to do so in
2 writing by the chair.
- 3 (17) Has a finding listed on the Division of Health Service Regulation of the
4 Department of Health and Human Services Health Care Personnel Registry.
- 5 (b) The Board may, in lieu of denial, suspension, or revocation, take any of the following
6 disciplinary actions:
- 7 (1) Issue a formal reprimand or formally censure the applicant or licensee.
- 8 (2) Place the applicant or licensee on probation with the appropriate conditions
9 on the continued practice of ~~professional~~clinical mental health counseling
10 deemed advisable by the Board.
- 11 (3) Require examination, remediation, or rehabilitation for the applicant or
12 licensee, including care, counseling, or treatment by a professional or
13 professionals designated or approved by the Board, the expense to be borne
14 by the applicant or licensee.
- 15 (4) Require supervision of the ~~professional~~clinical mental health counseling
16 services provided by the applicant or licensee by a licensee designated or
17 approved by the Board, the expense to be borne by the applicant or licensee.
- 18 (5) Limit or circumscribe the practice of ~~professional~~clinical mental health
19 counseling provided by the applicant or licensee with respect to the extent,
20 nature, or location of the ~~professional~~clinical mental health counseling
21 services provided, as deemed advisable by the Board.
- 22 (6) Discipline and impose any appropriate combination of the types of
23 disciplinary action listed in this section.

24 In addition, the Board may impose conditions of probation or restrictions on continued
25 practice of ~~professional~~clinical mental health counseling at the conclusion of a period of
26 suspension or as a requirement for the restoration of a revoked or suspended license. In lieu of or
27 in connection with any disciplinary proceedings or investigation, the Board may enter into a
28 consent order relative to discipline, supervision, probation, remediation, rehabilitation, or
29 practice limitation of a licensee or applicant for a license.

30 (c) The Board may assess costs of disciplinary action against an applicant or licensee
31 found to be in violation of this Article.

32 (d) When considering the issue of whether an applicant or licensee is physically or
33 mentally capable of practicing ~~professional~~clinical mental health counseling with reasonable
34 skill and safety with patients or clients, upon a showing of probable cause to the Board that the
35 applicant or licensee is not capable of practicing ~~professional~~clinical mental health counseling
36 with reasonable skill and safety with patients or clients, the Board may petition a court of
37 competent jurisdiction to order the applicant or licensee in question to submit to a psychological
38 evaluation by a psychologist to determine psychological status or a physical evaluation by a
39 physician to determine physical condition, or both. The psychologist or physician shall be
40 designated by the court. The expenses of the evaluations shall be borne by the Board. Where the
41 applicant or licensee raises the issue of mental or physical competence or appeals a decision
42 regarding mental or physical competence, the applicant or licensee shall be permitted to obtain
43 an evaluation at the applicant or licensee's expense. If the Board suspects the objectivity or
44 adequacy of the evaluation, the Board may compel an evaluation by its designated practitioners
45 at its own expense.

46 ...

47 **"§ 90-343. Disclosure.**

48 Any individual, or employer of an individual, who is licensed under this Article may not
49 charge a client or receive remuneration for ~~professional~~clinical mental health counseling services
50 unless, prior to the performance of those services, the client is furnished a copy of a Professional

1 Disclosure Statement that includes the licensee's professional credentials, the services offered,
2 the fee schedule, and other provisions required by the Board.

3 ...
4 **"§ 90-345. Criminal history record checks of applicants for licensure as ~~professional~~
5 clinical mental health counselors.**

6 (a) Definitions. – The following definitions shall apply in this section:

7 (1) Applicant. – A person applying for licensure as a licensed ~~professional~~clinical
8 mental health counselor associate pursuant to G.S. 90-336(b), 90-336(b1), or
9 90-336(b2) or licensed ~~professional~~clinical mental health counselor pursuant
10 to G.S. 90-336(c).

11 (2) Criminal history. – A history of conviction of a State or federal crime, whether
12 a misdemeanor or felony, that bears on an applicant's fitness for licensure to
13 practice ~~professional~~clinical mental health counseling. The crimes include the
14 criminal offenses set forth in any of the following Articles of Chapter 14 of
15 the General Statutes: Article 5, Counterfeiting and Issuing Monetary
16 Substitutes; Article 5A, Endangering Executive and Legislative Officers;
17 Article 6, Homicide; Article 7B, Rape and Other Sex Offenses; Article 8,
18 Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury
19 or Damage by Use of Explosive or Incendiary Device or Material; Article 14,
20 Burglary and Other Housebreakings; Article 15, Arson and Other Burnings;
21 Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article
22 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services
23 by False or Fraudulent Use of Credit Device or Other Means; Article 19B,
24 Financial Transaction Card Crime Act; Article 20, Frauds; Article 21,
25 Forgery; Article 26, Offenses Against Public Morality and Decency; Article
26 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury;
27 Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35,
28 Offenses Against the Public Peace; Article 36A, Riots, Civil Disorders, and
29 Emergencies; Article 39, Protection of Minors; Article 40, Protection of the
30 Family; Article 59, Public Intoxication; and Article 60, Computer-Related
31 Crime. The crimes also include possession or sale of drugs in violation of the
32 North Carolina Controlled Substances Act in Article 5 of Chapter 90 of the
33 General Statutes and alcohol-related offenses including sale to underage
34 persons in violation of G.S. 18B-302 or driving while impaired in violation of
35 G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes
36 listed in this subdivision, such crimes also include similar crimes under federal
37 law or under the laws of other states.

38"

39 **SECTION 1.(b)** This section is effective January 1, 2020.

40
41 **PART II. TECHNICAL AND CONFORMING CHANGES RELATED TO THE**
42 **RENAMING OF THE LICENSED CLINICAL MENTAL HEALTH COUNSELORS**
43 **ACT**

44 **SECTION 2.(a)** G.S. 8-53.8 read as rewritten:

45 **"§ 8-53.8. Counselor privilege.**

46 No person, duly licensed pursuant to Chapter 90, Article 24, of the General Statutes, shall be
47 required to disclose any information which he or she may have acquired in rendering ~~professional~~
48 clinical mental health counseling services, and which information was necessary to enable him
49 or her to render ~~professional~~clinical mental health counseling services: Provided, that the
50 presiding judge of a superior or district court may compel such disclosure, if in the court's opinion

1 the same is necessary to a proper administration of justice and such disclosure is not prohibited
2 by other statute or regulation."

3 **SECTION 2.(b)** G.S. 48-10-103(a)(3) reads as rewritten:

4 "(3) Counseling services for a parent or the adoptee that are directly related to the
5 adoption and are provided by a licensed psychiatrist, licensed psychologist,
6 licensed marriage and family therapist, licensed ~~professional~~clinical mental
7 health counselor, licensed or certified social worker, fee-based practicing
8 pastoral counselor or other licensed ~~professional~~clinical mental health
9 counselor, or an employee of an agency;"

10 **SECTION 2.(c)** G.S. 55B-2(6) reads as rewritten:

11 "(6) The term "professional service" means any type of personal or professional
12 service of the public which requires as a condition precedent to the rendering
13 of such service the obtaining of a license from a licensing board as herein
14 defined, and pursuant to the following provisions of the General Statutes:
15 Chapter 83A, "Architects"; Chapter 84, "Attorneys-at-Law"; Chapter 93,
16 "Public Accountants"; and the following Articles in Chapter 90: Article 1,
17 "Practice of Medicine," Article 2, "Dentistry," Article 6, "Optometry," Article
18 7, "Osteopathy," Article 8, "Chiropractic," Article 9A, "Nursing Practice Act,"
19 with regard to registered nurses, Article 11, "Veterinarians," Article 12A,
20 "Podiatrists," Article 18A, "Practicing Psychologists," Article 18C, "Marriage
21 and Family Therapy Licensure," Article 18D, "Occupational Therapy,"
22 Article 22, "Licensure Act for Speech and Language Pathologists and
23 Audiologists," and Article 24, "Licensed ~~Professional-Clinical Mental Health~~
24 Counselors"; Chapter 89C, "Engineering and Land Surveying"; Chapter 89A,
25 "Landscape Architects"; Chapter 90B, "Social Worker Certification and
26 Licensure Act" with regard to Licensed Clinical Social Workers as defined by
27 G.S. 90B-3; Chapter 89E, "Geologists"; Chapter 89B, "Foresters"; and
28 Chapter 89F, "North Carolina Soil Scientist Licensing Act"."

29 **SECTION 2.(d)** G.S. 55B-14(c)(4) reads as rewritten:

30 "(4) A physician, a licensed psychologist, a licensed clinical social worker, or each
31 of them and a certified clinical specialist in psychiatric and mental health
32 nursing, a licensed marriage and family therapist, a licensed ~~professional~~
33 clinical mental health counselor, or each of them, to render psychotherapeutic
34 and related services that the respective stockholders are licensed, certified, or
35 otherwise approved to provide."

36 **SECTION 2.(e)** G.S. 58-3-192(a) reads as rewritten:

37 "(a) As used in this section, the following definitions apply:

38 (1) Adaptive behavior treatment. – Behavioral and developmental interventions
39 that systematically manage instructional and environmental factors or the
40 consequences of behavior that have been shown to be clinically effective
41 through research published in peer reviewed scientific journals and based
42 upon randomized, quasi-experimental, or single subject designs. Both of the
43 following requirements must be met:

- 44 a. The intervention must be necessary to (i) increase appropriate or
45 adaptive behaviors, (ii) decrease maladaptive behaviors, or (iii)
46 develop, maintain, or restore, to the maximum extent practicable, the
47 functioning of an individual.
- 48 b. The treatment must be ordered by a licensed physician or licensed
49 psychologist and the treatment must be provided or supervised by one
50 of the following professionals, so long as the services or supervision

provided is commensurate with the professional's training, experience, and scope of practice:

1. A licensed psychologist or psychological associate.
2. A licensed psychiatrist or developmental pediatrician.
3. A licensed speech and language pathologist.
4. A licensed occupational therapist.
5. A licensed clinical social worker.
6. A licensed ~~professional~~-clinical mental health counselor.
7. A licensed marriage and family therapist.
8. A board certified behavior analyst.

...

(8) Therapeutic care. – Direct or consultative services provided by a licensed speech therapist, licensed occupational therapist, licensed physical therapist, licensed clinical social worker, licensed ~~professional~~-clinical mental health counselor, or licensed marriage and family therapists.

...."

SECTION 2.(f) G.S. 58-50-30(b)(12) reads as rewritten:

"(12) A ~~professional~~-clinical mental health counselor licensed by the North Carolina Board of Licensed ~~Professional~~-Clinical Mental Health Counselors pursuant to Article 24 of Chapter 90 of the General Statutes."

SECTION 2.(g) G.S. 90-21.41(2) reads as rewritten:

"(2) Psychotherapist. – A psychiatrist licensed in accordance with Article 1 of Chapter 90 of the General Statutes, a psychologist as defined in G.S. 90-270.2(9), a licensed ~~professional~~-clinical mental health counselor as defined in ~~G.S. 90-330(a)(2)~~, G.S. 90-330(a), a substance abuse professional as defined in G.S. 90-113.31(8), a social worker engaged in a clinical social work practice as defined in G.S. 90B-3(6), a fee-based pastoral counselor as defined in G.S. 90-382(4), a licensed marriage and family therapist as defined in G.S. 90-270.47(3), or a mental health service provider, who performs or purports to perform psychotherapy."

SECTION 2.(h) G.S. 90-270.48A(a) reads as rewritten:

"(a) This Article does not prevent members of the clergy or licensed, certified, or registered members of professional groups recognized by the Board from advertising or performing services consistent with their own profession. Members of the clergy include, but are not limited to, persons who are ordained, consecrated, commissioned, or endorsed by a recognized denomination, church, faith group, or synagogue. Professional groups the Board shall recognize include, but are not limited to, licensed or certified social workers, licensed ~~professional~~-clinical mental health counselors, fee-based pastoral counselors, licensed practicing psychologists, psychological associates, physicians, and attorneys-at-law. However, in no event may a person use the title "Licensed Marriage and Family Therapist" or "Licensed Marriage and Family Therapy Associate," use the letters "LMFT" or "LMFTA," or in any way imply that the person is a licensed marriage and family therapist or a licensed marriage and family therapy associate unless the person is licensed as such under this Article."

SECTION 2.(i) G.S. 122C-263.1(a) reads as rewritten:

"(a) Physicians and eligible psychologists are qualified to perform the commitment examinations required under G.S. 122C-263(c) and G.S. 122C-283(c). The Secretary of Health and Human Services may individually certify to perform the first commitment examinations required by G.S. 122C-261 through G.S. 122C-263 and G.S. 122C-281 through G.S. 122C-283 other health, mental health, and substance abuse professionals whose scope of practice includes diagnosing and documenting psychiatric or substance use disorders and conducting mental status examinations to determine capacity to give informed consent to treatment as follows:

- 1 (1) The Secretary has received a request:
- 2 a. To certify a licensed clinical social worker, a master's or higher level
- 3 degree nurse practitioner, a licensed ~~professional-clinical mental~~
- 4 health counsellor, or a physician's assistant to conduct the first
- 5 examinations described in G.S. 122C-263(c) and G.S. 122C-283(c).
- 6 b. To certify a master's level licensed clinical addictions specialist to
- 7 conduct the first examination described in G.S. 122C-283(c).

8 ...

9 (4) A certification granted by the Secretary under this section shall be in effect

10 for a period of up to three years and may be rescinded at any time within this

11 period if the Secretary finds the certified individual has failed to meet the

12 requirements of this section. Certification may be renewed every three years

13 upon completion of a refresher training program approved by the Department.

14 (5) In no event shall the certification of a licensed clinical social worker, master's

15 or higher level degree nurse practitioner, licensed ~~professional-clinical mental~~

16 health counsellor, physician assistant, or master's level certified clinical

17 addictions specialist under this section be construed as authorization to expand

18 the scope of practice of the licensed clinical social worker, the master's level

19 nurse practitioner, licensed ~~professional-clinical mental health~~ counsellor,

20 physician assistant, or the master's level certified clinical addictions specialist.

21"

22 **SECTION 2.(j)** G.S. 143B-957 reads as rewritten:

23 "**§ 143B-957. Criminal record checks of applicants for licensure as ~~professional~~**

24 **counselors-clinical mental health counselors.**

25 The Department of Public Safety may provide to the North Carolina Board of Licensed

26 ~~Professional-Clinical Mental Health~~ Counselors from the State and National Repositories of

27 Criminal Histories the criminal history of any applicant for licensure or reinstatement of a license

28 or licensee under Article 24 of Chapter 90 of the General Statutes. Along with the request, the

29 Board shall provide to the Department of Public Safety the fingerprints of the applicant or

30 licensee, a form signed by the applicant or licensee consenting to the criminal record check and

31 use of fingerprints and other identifying information required by the State and National

32 Repositories, and any additional information required by the Department of Public Safety. The

33 applicant or licensee's fingerprints shall be forwarded to the State Bureau of Investigation for a

34 search of the State's criminal history record file, and the State Bureau of Investigation shall

35 forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history

36 record check. The Board shall keep all information obtained pursuant to this section confidential.

37 The Department of Public Safety may charge a fee to offset the cost incurred by it to conduct a

38 criminal record check under this section. The fee shall not exceed the actual cost of locating,

39 editing, researching, and retrieving the information."

40 **SECTION 2.(k).** The Codifier of Rules shall make any conforming rule changes

41 necessary to reflect the name changes made by this act.

42 **SECTION 2.(l)** This section is effective January 1, 2020.

43

44 **PART III. INDEPENDENT STUDY DEFINITION CHANGES**

45 **SECTION 3.(a)** G.S. 90-113.31A reads as rewritten:

46 "**§ 90-113.31A. Definitions.**

47 The following definitions ~~shall~~ apply in this Article:

48 ...

49 (18) Independent study. – ~~Any course of Directed study undertaken by an~~

50 individual with little or no supervision that is does not include traditional

51 classroom-based study that must be preapproved by the Board or any

1 organization that has deemed status with the ~~Board~~Board, or any online
2 course of study that does not include a network-enabled transfer of skills and
3 knowledge from teacher to student being performed at the same time.

4 ...

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

9 **SECTION 3.(b)** This section becomes effective October 1, 2019.

10
11 **PART IV. SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD**
12 **RESTRUCTURE**

13 **SECTION 4.(a)** G.S. 90-113.32(a) reads as rewritten:

14 "(a) The North Carolina Addictions Specialist Professional Practice Board is created as
15 the authority to credential substance ~~abuse~~use disorder professionals in North Carolina."

16 **SECTION 4.(b)** G.S. 90-113.32(c) is repealed.

17 **SECTION 4.(c)** G.S. 90-113.32(c1) reads as rewritten:

18 "(c1) Every member of the Board shall have the right to vote on all matters before the
19 Board, except for the ~~President~~chair who shall vote only in case of a tie or when another member
20 of the Board abstains on the question of whether the professional discipline the member
21 represents shall retain its deemed status."

22 **SECTION 4.(d)** G.S. 90-113.32 is amended by adding a new subsection to read:

23 "(c2) The Board shall consist of nine members appointed as follows:

24 (1) Three members appointed by the General Assembly, upon the
25 recommendation of the Speaker of the House of Representatives, each of
26 whom shall be licensed or certified in accordance with this Article. In making
27 the appointments, the Speaker shall consider the ethnicity and gender of the
28 Board's members in order to reflect the composition of the State's population
29 and shall consider the experience and knowledge of the drug and alcohol
30 recovery community when selecting members to serve on the Board.

31 (2) Three members appointed by the General Assembly, upon the
32 recommendation of the President Pro Tempore of the Senate, each of whom
33 shall be licensed or certified in accordance with this Article. In making the
34 appointments, the President Pro Tempore shall consider the ethnicity and
35 gender of the Board's members in order to reflect the composition of the State's
36 population and shall consider the experience and knowledge of the drug and
37 alcohol recovery community when selecting members to serve on the Board.

38 (3) Three members appointed by the Governor as follows:

39 a. Two members of the public who are not licensed or certified under this
40 Article.

41 b. One member who is licensed or certified under this Article, selected
42 from the allied mental health, substance use disorder and
43 developmental disabilities treatment and prevention profession,
44 previously known as deemed status professions.

45 (4) All members of the Board shall be residents of the State of North Carolina,
46 and except for the public members, shall be certified or licensed by the Board
47 under the provisions of this Article. Professional members of the Board must
48 be actively engaged in the practice of substance use disorder counseling or
49 prevention or in the education and training of students in substance use
50 disorder counseling, and have been for at least three years prior to their

1 appointment to the Board. Practice during the two years preceding the
2 appointment shall have occurred primarily in this State."

3 **SECTION 4.(e)** G.S. 90-113.32(d) is repealed.

4 **SECTION 4.(f)** G.S. 90-113.32(e) reads as rewritten:

5 "(e) Members of the Board shall serve for ~~four-year~~three-year terms. No Board member
6 shall serve for more than two consecutive terms, but a person who has been a member for two
7 consecutive terms may be reappointed after being off the Board for a period of at least one year.
8 ~~When a vacancy occurs in an unexpired term, the Board shall, as soon as practicable, appoint~~
9 ~~temporary members to serve until the end of the unexpired terms. Time spent as a temporary~~
10 ~~member does not count in determining the limitation on consecutive terms."~~

11 **SECTION 4.(g)** G.S. 113.32 is amended by adding a new subsection to read:

12 "(e1) Initial members of the Board shall serve staggered terms. The members identified in
13 subdivision (1) of subsection (c2) of this section shall be appointed initially for a term of one
14 year. The members identified in subdivision (2) of subsection (c2) of this section shall be
15 appointed initially for a term of two years. The members identified in subdivision (3) of
16 subsection (c2) of this section shall be appointed initially for a term of three years.

17 At the end of their respective terms of office, their successors shall be appointed for terms of
18 three years, effective July 1. A vacancy occurring before the expiration of the term of office shall
19 be filled in the same manner as original appointments for the remainder of the term."

20 **SECTION 4.(h)** G.S. 113.32 is amended by adding a new subsection to read:

21 "(f1) A Board member may not receive compensation but may receive reimbursement as
22 provided in G.S. 93B-5. The officers of the Board include a chair, a secretary, and any other
23 officer deemed necessary by the Board to carry out the purposes of this Article. All officers shall
24 be elected annually by the Board at its first meeting held after appointments are made to the
25 Board. The Board shall hold a meeting within 45 days after the appointment of new Board
26 members. All officers shall serve one-year terms and shall serve until their successors are elected
27 and qualified. No person shall chair the Board for more than four consecutive years. The Board
28 may adopt rules governing the calling, holding, and conducting of regular and special meetings.
29 A majority of Board members constitutes a quorum."

30 **SECTION 4.(i)** This section becomes effective July 1, 2020.

31
32 **PART V. INCREASE IN NUMBER OF BOARD-APPROVED EDUCATION HOURS**
33 **REQUIRED FOR CERTIFICATION AS A SUBSTANCE ABUSE COUNSELOR,**
34 **SUBSTANCE ABUSE PREVENTION CONSULTANT, OR CRIMINAL JUSTICE**
35 **ADDICTIONS SPECIALIST, AND TERMINOLOGY MODIFICATION**

36 **SECTION 5.(a)** G.S. 90-113.40(a)(6) reads as rewritten:

37 "(6) The applicant has completed ~~270~~300 hours of Board-approved education. The
38 Board may prescribe that a certain number of hours be in a course of study for
39 substance ~~abuse-use disorder~~ counseling and that a certain number of hours be
40 in a course of study for substance abuse prevention consulting. Independent
41 study hours shall not compose more than fifty percent (50%) of the total
42 number of hours required for initial credentialing."

43 **SECTION 5.(b)** G.S. 90-113.40(d1)(1) reads as rewritten:

44 "(1) Has attained ~~270~~300 hours of Board-approved education or training, unless
45 the applicant has attained a minimum of a masters degree with a clinical
46 application and a substance ~~abuse-use disorder~~ specialty from a regionally
47 accredited college or university whereby the applicant must only obtain 180
48 hours. The hours of education shall be specifically related to the knowledge
49 and skills necessary to perform the tasks within the International Certification
50 and Reciprocity Consortium/Alcohol and Other Drug Abuse, Incorporated,
51 "IC&RC/AODA, Inc.," criminal justice addictions professional performance

1 domains as they relate to both adults and juveniles. Independent study may
2 compose up to fifty percent (50%) of the total number of hours obtained for
3 initial certification or renewal."

4 **SECTION 5.(c)** This section becomes effective October 1, 2019, and applies to
5 applications for licenses submitted on or after that date.

6
7 **PART VI. ESTABLISHMENT OF PROGRAM FOR IMPAIRED SUBSTANCE ABUSE**
8 **PROFESSIONALS**

9 **SECTION 6.(a)** Article 5C of Chapter 90 of the General Statutes is amended by
10 adding a new section to read:

11 **"§ 90-113.48. Program for impaired substance use disorder professionals.**

12 (a) There is created the North Carolina Impaired Professionals Program. The Board may
13 provide funds for the administration of the Program, but the Program shall operate independently
14 of the Board. The purpose of the Program is to provide screening, referral, monitoring,
15 educational, and support services for professionals credentialed pursuant to this Article for
16 treatment and rehabilitation of an impairment attributed to a physical or mental illness, a
17 substance use disorder, or professional sexual misconduct.

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

23 (c) An agreement entered into between the Program and a credentialed professional
24 pursuant to subdivision (b) of this section shall include guidelines for all of the following:

- 25 (1) Enrollment of credentialed professionals referred to the Program by the Board.
- 26 (2) Assessment, referral, monitoring, support, and education of credentialed
27 professionals referred to the Program by reason of a physical or mental illness,
28 a substance use disorder, or professional sexual misconduct.
- 29 (3) Consistent with subsection (d) of this section, criteria for the Program to report
30 credentialed professionals to the Board.
- 31 (4) Procedures by which credentialed professionals may obtain review of
32 Program recommendations about the credentialed professional regarding
33 assessment or treatment.
- 34 (5) Periodic reporting of statistical information by the Program to the Board.
- 35 (6) Maintaining the confidentiality of nonpublic information.

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

- 38 (1) Constitutes an imminent danger to patient care by reason of mental illness,
39 physical illness, substance use disorder, professional sexual misconduct, or
40 any other reason.
- 41 (2) Refuses to submit to an assessment as ordered by the Program.
- 42 (3) Has entered into a monitoring contract as a Program participant and fails to
43 comply with the terms of the monitoring contract.
- 44 (4) Is still unsafe to practice as a substance use disorder professional after
45 completing Program services.

46 (e) All documents, papers, letters, recordings, electronic records, or other documentary
47 materials in the possession of the Program or its staff, employees, legal counsel, and volunteers,
48 relating in any way to a member's participation or prospective participation in the Program,
49 including, but not limited to, any medical, counseling, substance abuse, or mental health records,
50 shall not be considered public records within the meaning of Chapter 132 of the General Statutes.
51 No person participating in good faith in the Program shall be required in a civil action or

1 proceeding to disclose the fact of participation in the Program or disclose any information
2 acquired or opinions, recommendations, or evaluations acquired or developed solely in the course
3 of participating in the Program pursuant to this section. For purposes of this subsection, "civil
4 action or proceeding" does not include an administrative action or proceeding conducted under
5 this Article or under Chapter 150B of the General Statutes.

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

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

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

- 25 (1) Definitions of impairments attributed to physical or mental illness, substance
26 use disorder, and professional sexual misconduct.
- 27 (2) Guidelines for Program elements.
- 28 (3) Procedures for receipt and use of information of suspected impairment.
- 29 (4) Procedures for intervention and referral.
- 30 (5) Arrangements for monitoring treatment, rehabilitation, posttreatment support,
31 and performance.
- 32 (6) Reports of individual cases to the Board.
- 33 (7) Periodic reporting of statistical information.
- 34 (8) Assurance of confidentiality of nonpublic information."

35 **SECTION 6.(b)** This section becomes effective October 1, 2019, and applies to
36 licenses granted or renewed on or after that date.
37

38 **PART VII. TECHNICAL CHANGES TO THE CERTIFIED SUBSTANCE USE** 39 **DISORDER PROFESSIONAL PRACTICE ACT**

40 **SECTION 7.(a)** The title of Article 5C of Chapter 90 of the General Statutes reads
41 as rewritten:

42 "Article 5C.

43 "North Carolina Substance Abuse-Use Disorder Professional Practice Act."

44 **SECTION 7.(b)** G.S. 90-113.30 reads as rewritten:

45 **"§ 90-113.30. Declaration of purpose.**

46 The North Carolina ~~Substance Abuse-Addictions Specialist~~ Professional Practice Board,
47 established by G.S. 90-113.32, is recognized as the registering, certifying, and licensing authority
48 for substance ~~abuse-use disorder~~ professionals described in this Article in order to safeguard the
49 public health, safety, and welfare, to protect the public from being harmed by unqualified
50 persons, to assure the highest degree of professional care and conduct on the part of credentialed
51 substance ~~abuse-use disorder~~ professionals, to provide for the establishment of standards for the

1 education of credentialed substance ~~abuse-use~~ disorder professionals, and to ensure the
2 availability of credentialed substance ~~abuse-use~~ disorder professional services of high quality to
3 persons in need of these services. It is the purpose of this Article to provide for the regulation of
4 Board-credentialed persons offering substance ~~abuse-use~~ disorder counseling services, substance
5 ~~abuse-use~~ disorder prevention services, or any other substance ~~abuse-use~~ disorder services for
6 which the Board may grant registration, certification, or licensure."

7 **SECTION 7.(c)** G.S. 90-113.31A reads as rewritten:

8 "**§ 90-113.31A. Definitions.**

9 The following definitions shall apply in this Article:

- 10 (1) Applicant. – A person who has initiated a process to become a substance ~~abuse~~
11 use disorder professional pursuant to this Article.
- 12 (2) Applicant supervisor. – A person who provides supervision as required by the
13 Board to persons applying for registration, certification, or licensure as a
14 substance ~~abuse-use~~ disorder professional pursuant to this Article.
- 15 (3) Board. – The North Carolina ~~Substance Abuse Addictions Specialist~~
16 Professional Practice Board.
- 17 ...
- 18 (5) Certified criminal justice addictions professional. – A person certified by the
19 Board to practice as a criminal justice addictions professional who, under
20 supervision, provides direct services to clients or offenders exhibiting
21 substance ~~abuse-use~~ disorders and works in a program determined by the
22 Board to be involved in a criminal justice setting.
- 23 (6) Certified ~~substance abuse alcohol and drug~~ counselor. – A person certified by
24 the Board to practice under the supervision of a practice supervisor as a
25 ~~substance abuse alcohol and drug~~ counselor in accordance with the provisions
26 of this Article.
- 27 (7) Certified ~~substance abuse prevention consultant-specialist~~. – A person
28 certified by the Board to practice substance ~~abuse-use~~ disorder prevention in
29 accordance with the provisions of this Article.
- 30 ...
- 31 (14) Criminal history. – A history of conviction of a State crime, whether a
32 misdemeanor or felony, that bears on an applicant's fitness for licensure to
33 practice substance ~~abuse-use~~ disorder professional services. The crimes
34 include the criminal offenses set forth in any of the following Articles of
35 Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing
36 Monetary Substitutes; Article 5A, Endangering Executive and Legislative
37 Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses;
38 Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13,
39 Malicious Injury or Damage by Use of Explosive or Incendiary Device or
40 Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson
41 and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,
42 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,
43 Obtaining Property or Services by False or Fraudulent Use of Credit Device
44 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article
45 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality
46 and Decency; Article 26A, Adult Establishments; Article 27, Prostitution;
47 Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public
48 Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots,
49 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article
50 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,
51 Computer-Related Crime. The crimes also include possession or sale of drugs

1 in violation of the North Carolina Controlled Substances Act in Article 5 of
 2 Chapter 90 of the General Statutes and alcohol-related offenses including sale
 3 to underage persons in violation of G.S. 18B-302 or driving while impaired in
 4 violation of G.S. 20-138.1 through G.S. 20-138.5.

5 (16) Dual relationship. – A relationship in addition to the professional relationship
 6 with a person to whom the substance ~~abuse~~-use disorder professional delivers
 7 services in the Twelve Core Functions or the performance domains, both as
 8 defined in rules adopted by the Board, or as provided in a supervisory
 9 capacity. These relationships may result in grounds for disciplinary action.

10 ...
 11 (20) Practice supervisor. – A certified clinical supervisor, clinical supervisor
 12 intern, or licensed clinical addictions specialist who provides oversight and
 13 responsibility in a face-to-face capacity for each certified ~~substance abuse~~
 14 alcohol and drug counselor or criminal justice addictions professional.

15 (21) Prevention. – The reduction, delay, or avoidance of alcohol and of other drug
 16 use behavior. "~~Prevention~~"-"Prevention" includes the promotion of positive
 17 environments and individual strengths that contribute to personal health and
 18 well-being over an entire life and the development of strategies that encourage
 19 individuals, families, and communities to take part in assessing and changing
 20 their lifestyles and environments.

21 ...
 22 (24) Substance ~~abuse~~-use disorder counseling. – The assessment, evaluation, and
 23 provision of counseling and therapeutic service to persons suffering from
 24 substance ~~abuse~~-use disorder or dependency.

25 (25) ~~Substance abuse~~-Alcohol and drug counselor intern. – A registrant who
 26 successfully completes 300 hours of Board-approved supervised practical
 27 training in pursuit of credentialing as a ~~substance abuse~~-alcohol and drug
 28 counselor.

29 (26) Substance ~~abuse~~-use disorder professional. – A registrant, certified ~~substance~~
 30 ~~abuse~~-alcohol and drug counselor, ~~substance abuse~~-alcohol and drug counselor
 31 intern, certified ~~substance abuse~~-prevention consultant, specialist, certified
 32 clinical supervisor, licensed clinical addictions specialist associate, licensed
 33 clinical addictions specialist, certified substance abuse residential facility
 34 director, clinical supervisor intern, or certified criminal justice addictions
 35 professional."

36 **SECTION 7.(d)** G.S. 90-113.31B reads as rewritten:

37 **"§ 90-113.31B. Scope of practice.**

38 The scope of practice is the use by all substance ~~abuse~~-use disorder professionals and their
 39 ongoing supervisees of principles, methods, and procedures of the Twelve Core Functions or
 40 performance domains as prescribed by the International Certification and Reciprocity
 41 Consortium/Alcohol and Other Drug Abuse, Incorporated, and as limited by individual credential
 42 and supervisory requirements pursuant to this Article. Specifically, the scope of practice for each
 43 individual defined as a substance ~~abuse~~-use disorder professional under G.S. 90-113.31A is as
 44 follows:

45 (1) The practice of a certified ~~substance abuse~~-alcohol and drug counselor consists
 46 of the Twelve Core Functions, including screening, intake, orientation,
 47 assessment, treatment planning, counseling, case management, crisis
 48 intervention, client education, report and record keeping, consultation with
 49 other professionals in regard to client treatment and services, and referral to
 50 treat addictive disorder or disease and help prevent relapse.

1 (2) The practice of a certified ~~substance abuse prevention consultant~~ specialist is
 2 based on knowledge in the performance domains to prevent or reduce the
 3 conditions that place individuals at increased risk of developing addictive
 4 disorder or disease and help prevent relapse.

5 (3) The practice of a certified clinical supervisor is based on knowledge in the
 6 performance domains to supervise substance ~~abuse~~ use disorder professionals
 7 who work to treat, prevent, or reduce the conditions that place individuals at
 8 risk of developing addictive disorder or disease and help prevent relapse.

9"

10 **SECTION 7.(e)** G.S. 90-113.33(9) reads as rewritten:

11 "(9) Adopt any rules necessary to carry out the purpose of this Article and its duties
 12 and responsibilities pursuant to this Article, including rules related to the
 13 approval of a substance ~~abuse~~ use disorder specialty curricula developed by a
 14 school, college, or university."

15 **SECTION 7.(f)** G.S. 90-113.34 reads as rewritten:

16 **"§ 90-113.34. Records to be kept; copies of records.**

17 (a) The Board shall keep a regular record of its proceedings, together with the names of
 18 the members of the Board present, the names of the applicants for registration, certification, and
 19 licensure as well as other information relevant to its actions. The Board shall cause a record to
 20 be kept that shall show the name, last known place of business, last known place of residence,
 21 and date and number of the credential assigned to each substance ~~abuse~~ use disorder professional
 22 meeting the standards set forth in this Article. Any interested person in the State is entitled to
 23 obtain a copy of Board records upon application to the Board and payment of a reasonable charge
 24 that is based on the costs involved in providing the copy.

25 (b) The Board may in a closed session receive evidence regarding the provision of
 26 substance ~~abuse~~ use disorder counseling or other treatment and services provided to a client who
 27 has not expressly or through implication consented to the public disclosure of such treatment as
 28 may be necessary for the protection of the rights of the client or of the accused registrant or
 29 substance ~~abuse~~ use disorder professional and the full presentation of relevant evidence. All
 30 records, papers, and other documents containing information collected and compiled by the
 31 Board, its members, or employees as a result of investigations, inquiries, or interviews conducted
 32 in connection with awarding a credential or a disciplinary matter shall not be considered public
 33 records within the meaning of Chapter 132 of the General Statutes, except any notice or statement
 34 of charges, or notice of hearing shall be a public record notwithstanding that it may contain
 35 information collected and compiled as a result of an investigation, inquiry, or interview. If any
 36 record, paper, or other document containing information collected and compiled by the Board as
 37 provided in this subsection is received and admitted in evidence in any hearing before the Board,
 38 it shall thereupon be a public record.

39 (c) Notwithstanding any provision to the contrary, the Board may, in any proceeding,
 40 record of any hearing, and notice of charges, withhold from public disclosure the identity of a
 41 client who has not expressly or through implication consented to such disclosure of treatment by
 42 the accused substance ~~abuse~~ use disorder professional."

43 **SECTION 7.(g)** G.S. 90-113.37A(b) reads as rewritten:

44 "(b) Renewal of licensure is subject to completion of at least 40 hours of the continuing
 45 education requirements established by the Board. Renewal of ~~substance abuse alcohol and drug~~
 46 counselor or ~~substance abuse prevention consultant~~ specialist certification is subject to
 47 completion of at least 60 hours of the continuing education requirements established by the
 48 Board. A certified ~~substance abuse alcohol and drug~~ counselor shall submit a Board-approved
 49 supervision contract signed by the applicant and a practice supervisor documenting ongoing
 50 supervision at a ratio of one hour of supervision to every 40 hours of practice after certification
 51 is granted by the Board on a form provided by the Board. Any person certified by the Board as a

1 certified alcoholism counselor or certified ~~drug abuse~~ alcohol and drug counselor shall become
2 a certified ~~substance abuse~~ alcohol and drug counselor.

3 A clinical supervisor shall complete at least 15 hours of substance ~~abuse~~ use disorder clinical
4 supervision training prior to the certificate being renewed. ~~A substance abuse residential facility~~
5 ~~director shall complete at least 10 hours of substance abuse training for renewal.~~ A certified
6 criminal justice addictions professional shall complete at least 40 hours of continuing education
7 that must be earned in the certified criminal justice addictions professional performance domains.
8 A certified criminal justice addictions professional shall submit a Board-approved supervision
9 contract signed by the criminal justice addictions professional and a practice supervisor
10 documenting ongoing supervision at a ratio of one hour of supervision to every 40 hours of
11 practice after certification is granted by the Board on a form provided by the Board."

12 **SECTION 7.(h)** G.S. 90-113.38 reads as rewritten:

13 **"§ 90-113.38. Maximums for certain fees.**

14 (a) The fee to obtain a certificate of certification as a ~~substance abuse~~ an alcohol and drug
15 counselor, ~~substance abuse~~ prevention consultant, ~~specialist~~, clinical supervisor, substance abuse
16 residential facility director, or certified criminal justice addictions professional may not exceed
17 four hundred seventy-five dollars (\$475.00). The fee to renew a certificate may not exceed one
18 hundred fifty dollars (\$150.00).

19 ...

20 (f) In addition to any other prescribed fees, the Board shall charge a fee not to exceed
21 one hundred fifty dollars (\$150.00) for each administration of the test an applicant must pass to
22 be credentialed as a United States Department of Transportation substance ~~abuse~~ use disorder
23 professional."

24 **SECTION 7.(i)** G.S. 90-113.40 reads as rewritten:

25 **"§ 90-113.40. Requirements for certification and licensure.**

26 (a) The Board shall issue a certificate certifying an applicant as a "Certified ~~Substance~~
27 ~~Abuse Alcohol and Drug~~ Counselor" or as a "Certified ~~Substance Abuse~~ Prevention ~~Consultant~~
28 ~~Specialist~~" if:

29 ...

30 (8) The applicant for substance ~~abuse~~ use disorder counselor has completed a total
31 of 6,000 hours of supervised experience in the field, whether paid or volunteer.
32 The applicant for ~~substance abuse~~ prevention consultant ~~specialist~~ has
33 completed a total of 6,000 hours supervised experience in the field, whether
34 paid or volunteer, or 4,000 hours if the applicant has at least a ~~bachelors~~
35 bachelor's degree in a human services field from a regionally accredited
36 college or university.

37 ...

38 (b) The Board shall issue a certificate certifying an individual as a "Certified Clinical
39 Supervisor" if the applicant:

40 ...

41 (3) Has 4,000 hours experience as a substance ~~abuse~~ use disorder clinical
42 supervisor as documented by his or her certified clinical supervisor.
43 (4) Has 30 hours of substance ~~abuse~~ use disorder clinical supervision specific
44 education or training. These hours shall be reflective of the Twelve Core
45 Functions in the applicant's clinical application and practice and may also be
46 counted toward the applicant's renewal as a ~~substance abuse~~ an alcohol and
47 drug counselor or a clinical addictions specialist.

48 ...

49 (c) The Board shall issue a license credentialing an applicant as a "Licensed Clinical
50 Addictions Specialist" if, in addition to meeting the requirements of subdivisions (a)(1) through
51 (5a) of this section, the applicant meets one of the following criteria:

- 1 (1) Criteria A. – The applicant:
- 2 ...
- 3 b. Has two years postgraduate supervised substance ~~abuse~~-use disorder
- 4 counseling experience.
- 5 c. Submits three letters of reference from licensed clinical addictions
- 6 specialists or certified ~~substance abuse~~-alcohol and drug counselors
- 7 who have obtained master's degrees.
- 8 ...
- 9 e. Has attained 180 hours of substance ~~abuse~~-use disorder specific
- 10 training from either a regionally accredited college or university,
- 11 which may include unlimited independent study, or from training
- 12 events of which no more than fifty percent (50%) shall be in
- 13 independent study. All hours shall be credited according to the
- 14 standards set forth in G.S. 90-113.41A.
- 15 ...
- 16 (2) Criteria B. – The applicant:
- 17 ...
- 18 e. Submits three letters of reference from either licensed clinical
- 19 addictions specialists or certified ~~substance abuse~~-alcohol and drug
- 20 counselors who have obtained master's degrees.
- 21 (3) Criteria C. – The applicant:
- 22 a. Has a minimum of a master's degree in a human services field with
- 23 both a clinical application and a substance ~~abuse~~-use disorder specialty
- 24 from a regionally accredited college or university that includes 180
- 25 hours of substance ~~abuse~~-use disorder specific education and training
- 26 pursuant to G.S. 90-113.41A.
- 27 b. Has one year of postgraduate supervised substance ~~abuse~~-use disorder
- 28 counseling experience.
- 29 ...
- 30 d. Submits three letters of reference from licensed clinical addictions
- 31 specialists or certified ~~substance abuse~~-alcohol and drug counselors
- 32 who have obtained master's degrees.
- 33 (4) Criteria D. – The applicant has a substance ~~abuse~~-use disorder certification
- 34 from a professional discipline that has been granted deemed status by the
- 35 Board.
- 36 ~~(d) The Board shall issue a certificate certifying an applicant as a "Substance Abuse~~
- 37 ~~Residential Facility Director" if the applicant:~~
- 38 (1) ~~Has been credentialed as a substance abuse counselor or a clinical addictions~~
- 39 specialist.
- 40 (2) ~~Has 50 hours of Board approved academic or didactic management specific~~
- 41 ~~training or a combination thereof. Independent study may compose up to fifty~~
- 42 ~~percent (50%) of the total number of hours required for initial credentialing.~~
- 43 (3) ~~Submits letters of reference from the applicant's current supervisor and a~~
- 44 ~~colleague or coworker.~~
- 45 (d1) The Board shall issue a certificate certifying an applicant as a "Certified Criminal
- 46 Justice Addictions Professional", with the acronym "CCJP", if in addition to meeting the
- 47 requirements of subdivisions (a)(1) through (5a) of this section, the applicant:
- 48 ...
- 49 (3) Has provided documentation of supervised work experience providing direct
- 50 service to clients or offenders involved in one of the three branches of the

1 criminal justice system, which include law enforcement, the judiciary, and
 2 corrections. The applicant must meet one of the following criteria:

3 ...

4 e. Criteria E. – In addition to having at least a masters degree in a human
 5 services field with a specialty from a regionally accredited college or
 6 university that includes 180 hours of substance ~~abuse~~use disorder
 7 specific education or training, the applicant has a minimum of 2,000
 8 hours of postgraduate supervised substance ~~abuse~~use disorder
 9 counseling experience.

10 ...

11 (f) Effective January 1, 2003, only a person who is certified as a certified clinical
 12 supervisor or a clinical supervisor intern shall be qualified to supervise applicants for certified
 13 clinical supervisor and certified ~~substance abuse alcohol and drug~~ counselor and applicants for
 14 licensed clinical addictions specialist who meet the qualifications of their credential other than
 15 through deemed status as provided in G.S. 90-113.40(c)(4)."

16 **SECTION 7.(j)** G.S. 90-113.40B reads as rewritten:

17 **"§ 90-113.40B. Applicant supervision.**

18 The Board shall designate a person as an applicant supervisor of individuals applying for
 19 registration, certification, or licensure as a substance ~~abuse~~use disorder professional as follows:

20 ...

21 (2) A certified clinical supervisor or a clinical supervisor intern shall supervise a
 22 ~~substance abuse residential facility director applicant,~~ a clinical addictions
 23 specialist applicant, or a ~~substance abuse~~ an alcohol and drug counselor
 24 applicant.

25 ...

26 (4) A certified ~~substance abuse prevention consultant specialist~~ with a minimum
 27 of three years of professional experience, a certified clinical supervisor, or a
 28 clinical supervisor intern shall supervise a registrant applying for certification
 29 as a prevention ~~consultant specialist.~~

30"

31 **SECTION 7.(k)** G.S. 90-113.41A reads as rewritten:

32 **"§ 90-113.41A. Deemed status.**

33 (a) To be granted deemed status by the Board, a credentialing body of a professional
 34 discipline or its designee shall demonstrate that its substance ~~abuse~~use disorder credentialing
 35 program substantially meets the following:

36 (1) Each person to whom the credentialing body awards credentials following the
 37 effective date of this act meets and maintains minimum requirements in
 38 substance ~~abuse~~use disorder specific content areas. Each person also has a
 39 minimum of a master's degree with a clinical application in a human services
 40 field.

41 (2) The body requires 180 hours, or the equivalent thereof, of substance ~~abuse~~use
 42 disorder specific education and training that covers the following content
 43 areas:

44 ...

45 (3) The program requires one year or its equivalent of post-degree supervised
 46 clinical substance ~~abuse~~use disorder practice. At least fifty percent (50%) of
 47 the practice shall consist of direct substance ~~abuse~~use disorder clinical care.

48"

49 **SECTION 7.(l)** G.S. 90-113.42 reads as rewritten:

50 **"§ 90-113.42. Violations; exemptions.**

1 (a) It shall be unlawful for any person not licensed or otherwise credentialed as a
2 substance ~~abuse-use disorder~~ professional pursuant to this Article to engage in those activities set
3 forth in the scope of practice of a substance ~~abuse-use disorder~~ professional under
4 G.S. 90-113.31B, unless that person is regulated by another profession or is a registrant or intern
5 as defined by this Article.

6 (b) It is not the intent of this Article to regulate members of other regulated professions
7 who provide substance ~~abuse-use disorder~~ services or consultation in the normal course of the
8 practice of their profession.

9 (c) This Article does not apply to any person registered, certified, or licensed by the State
10 or federal government to practice any other occupation or profession while rendering substance
11 ~~abuse-use disorder~~ services or consultation in the performance of the occupation or profession
12 for which the person is registered, certified, or licensed.

13 (d) Only individuals registered, certified, or licensed under this Article may use the title
14 "Certified ~~Substance Abuse Alcohol and Drug Counselor~~", "Certified ~~Substance Abuse~~
15 ~~Prevention Consultant~~", ~~Specialist~~", "Certified Clinical Supervisor", "Licensed Clinical
16 Addictions Specialist Associate", "Certified Substance Abuse Residential Facility Director",
17 "Certified Criminal Justice Addictions Professional", "~~Substance Abuse~~ "~~Alcohol and Drug~~
18 ~~Counselor Intern~~", "Provisional Licensed Clinical Addictions Specialist", "Clinical Supervisor
19 Intern", or "Registrant".

20 **SECTION 7.(m)** G.S. 90-113.43(a) reads as rewritten:

21 **"§ 90-113.43. Illegal practice; misdemeanor penalty.**

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

23 (1) Offer substance ~~abuse-use disorder~~ professional services, practice, attempt to
24 practice, or supervise while holding himself or herself out to be a certified
25 ~~substance abuse alcohol and drug counselor~~, certified ~~substance abuse~~
26 ~~prevention consultant, specialist~~, certified clinical supervisor, licensed clinical
27 addictions specialist, licensed clinical addictions specialist associate, certified
28 substance abuse residential facility director, certified criminal justice
29 addictions professional, clinical supervisor intern, ~~substance abuse alcohol~~
30 ~~and drug counselor intern~~, or registrant without first having obtained a
31 notification of registration, certification, or licensure from the Board.

32 (2) Use in connection with any name any letters, words, numerical codes, or
33 insignia indicating or implying that this person is a registrant, certified
34 ~~substance abuse alcohol and drug counselor~~, certified ~~substance abuse~~
35 ~~prevention consultant, specialist~~, certified clinical supervisor, licensed clinical
36 addictions specialist, certified substance abuse residential facility director,
37 ~~substance abuse alcohol and drug counselor intern~~, certified criminal justice
38 addictions professional, or licensed clinical addictions specialist associate,
39 unless this person is registered, certified, or licensed pursuant to this Article.

40 (3) Practice or attempt to practice as a certified ~~substance abuse alcohol and drug~~
41 ~~counselor~~, certified ~~substance abuse prevention consultant, specialist~~, certified
42 clinical supervisor, licensed clinical addictions specialist, certified criminal
43 justice addictions professional, ~~substance abuse alcohol and drug counselor~~
44 intern, licensed clinical addictions specialist associate, clinical supervisor
45 intern, certified substance abuse residential facility director or registrant with
46 a revoked, lapsed, or suspended certification or license.

47 (4) Aid, abet, or assist any person to practice as a certified ~~substance abuse alcohol~~
48 ~~and drug counselor~~, certified ~~substance abuse prevention consultant,~~
49 ~~specialist~~, certified criminal justice addictions professional, certified clinical
50 supervisor, licensed clinical addictions specialist, certified substance abuse
51 residential facility director, registrant, ~~substance abuse alcohol and drug~~

1 counselor intern, licensed clinical addictions specialist associate, or clinical
2 supervisor intern in violation of this Article.

- 3 (5) Knowingly serve in a position required by State law or rule or federal law or
4 regulation to be filled by a registrant, certified ~~substance abuse alcohol and~~
5 drug counselor, certified ~~substance abuse prevention consultant, specialist,~~
6 certified criminal justice addictions professional, certified clinical supervisor,
7 licensed clinical addictions specialist, certified substance abuse residential
8 facility director, ~~substance abuse alcohol and drug~~ counselor intern, licensed
9 clinical addictions specialist associate, or clinical supervisor intern unless that
10 person is registered, certified, or licensed under this Article.

11"

12 **SECTION 7.(n)** G.S. 90-113.44 reads as rewritten:

13 **"§ 90-113.44. Grounds for disciplinary action.**

- 14 (a) Grounds for disciplinary action for an applicant or credentialed professional include:
- 15 (1) The employment of fraud, deceit, or misrepresentation in obtaining or
16 attempting to obtain licensure, certification, or registration or renewal of
17 licensure, certification, or registration.
- 18 (2) The use of drugs or alcoholic beverages to the extent that professional
19 competency is affected.
- 20 (2a) The use of drugs or alcoholic beverages to the extent that a substance ~~abuse~~
21 use disorder professional suffers impairment.
- 22 (3) Conviction of an offense under any municipal, State, or federal law other than
23 traffic laws as prescribed by Chapter 20 of the General Statutes.
- 24 (4) Conviction of a felony or other public offense involving moral turpitude.
25 Conviction of a Class A-E felony shall result in an immediate suspension of
26 licensure, certification, or registration for a minimum of one year.
- 27 (5) An adjudication of insanity or incompetency, until proof of recovery from this
28 condition can be established by a licensed psychologist or psychiatrist.
- 29 (6) Engaging in any act or practice in violation of any of the provisions of this
30 Article or any of the rules adopted pursuant to it, or aiding, abetting, or
31 assisting any other person in such a violation.
- 32 (7) The commission of an act of malpractice, gross negligence, or incompetence
33 while serving as a substance ~~abuse-use disorder~~ professional, intern, or
34 registrant.
- 35 (8) Repealed by Session Laws 2005-431, s. 1, effective September 22, 2005.
- 36 (9) Engaging in conduct that could result in harm or injury to the public.
- 37 (10) Entering into a dual relationship that impairs professional judgment or
38 increases the risk of exploitation with a client or supervisee.
- 39 (11) Practicing as a credentialed substance ~~abuse-use disorder~~ professional outside
40 of his or her scope of practice pursuant to G.S. 90-113.31B.

41 (b) Denial of an applicant's licensure, certification, or registration or the granting of
42 licensure, certification, or registration on a probationary or other conditional status shall be
43 subject to substantially the same rules and procedures prescribed by the Board for review and
44 disciplinary actions against any person holding a license, certificate, or registration. A suspension
45 of a credential resulting from impairment due to substance use, mental health, or medical disorder
46 shall be imposed for at least six months beginning from the date of successful discharge from a
47 residential substance ~~abuse-use disorder~~ treatment program or other appropriate treatment
48 modality determined as a result of an assessment by a Board-approved assessor. Disciplinary
49 actions involving a clinical addictions specialist whose licensure is achieved through deemed
50 status shall be initially heard by the specialist's credentialing body. The specialist may appeal the

1 body's decision to the Board. The Board shall, however, have the discretionary authority to hear
2 the initial disciplinary action involving a credentialed professional."

3 **SECTION 7.(o)** G.S. 90-113.46 reads as rewritten:

4 **"§ 90-113.46. Application of requirements of Article.**

5 All persons credentialed by the North Carolina ~~Substance Abuse Addictions Specialist~~
6 Professional Practice Board, Inc., as of July 1, 1994, shall be credentialed by the Board pursuant
7 to this Article. All these persons are subject to all the other requirements of this Article and of
8 the rules adopted pursuant to it."

9 **SECTION 7.(p)** This section becomes effective October 1, 2019, and applies to
10 licenses granted or renewed on or after that date.

11
12 **PART VIII. DISCONTINUE CERTIFIED SUBSTANCE ABUSE RESIDENTIAL**
13 **FACILITY DIRECTOR CREDENTIALING**

14 **SECTION 8.(a)** The certified substance abuse residential facility director credential
15 is discontinued. The North Carolina Substance Abuse Professional Practice Board shall no longer
16 issue or renew a certified substance abuse residential facility director credential to any person.

17 **SECTION 8.(b)** G.S. 90-113.31A(8) is repealed.

18 **SECTION 8.(c)** G.S. 90-113.31A(26), as amended by Section 5 of this act, reads as
19 rewritten:

20 "(26) Substance use disorder professional. – A registrant, certified alcohol and drug
21 counselor, alcohol and drug counselor intern, certified prevention specialist,
22 certified clinical supervisor, licensed clinical addictions specialist associate,
23 licensed clinical addictions specialist, ~~certified substance abuse residential~~
24 ~~facility director~~, clinical supervisor intern, or certified criminal justice
25 addictions professional."

26 **SECTION 8.(d)** G.S. 90-113.31B(5) is repealed.

27 **SECTION 8.(e)** G.S. 90-113.38(a), as amended by Section 5 of this act, reads as
28 rewritten:

29 **"§ 90-113.38. Maximums for certain fees.**

30 (a) The fee to obtain a certificate of certification as an alcohol and drug counselor,
31 prevention specialist, clinical supervisor, ~~substance abuse residential facility director~~, or certified
32 criminal justice addictions professional may not exceed four hundred seventy-five dollars
33 (\$475.00). The fee to renew a certificate may not exceed one hundred fifty dollars (\$150.00)."

34 **SECTION 8.(f)** G.S. 90-113.42(d), as amended by Section 5 of this act, reads as
35 rewritten:

36 "(d) Only individuals registered, certified, or licensed under this Article may use the title
37 "Certified Alcohol and Drug Counselor", "Certified Prevention Specialist", "Certified Clinical
38 Supervisor", "Licensed Clinical Addictions Specialist Associate", "~~Certified Substance Abuse~~
39 ~~Residential Facility Director~~", "Certified Criminal Justice Addictions Professional", "Alcohol
40 and Drug Counselor Intern", "Provisional Licensed Clinical Addictions Specialist", "Clinical
41 Supervisor Intern", or "Registrant"."

42 **SECTION 8.(g)** G.S. 90-113.43(a), as amended by Section 5 of this act, reads as
43 rewritten:

44 **"§ 90-113.43. Illegal practice; misdemeanor penalty.**

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

46 (1) Offer substance use disorder professional services, practice, attempt to
47 practice, or supervise while holding himself or herself out to be a certified
48 alcohol and drug counselor, certified prevention specialist, certified clinical
49 supervisor, licensed clinical addictions specialist, licensed clinical addictions
50 specialist associate, ~~certified substance abuse residential facility director~~,
51 certified criminal justice addictions professional, clinical supervisor intern,

- 1 alcohol and drug counselor intern, or registrant without first having obtained
- 2 a notification of registration, certification, or licensure from the Board.
- 3 (2) Use in connection with any name any letters, words, numerical codes, or
- 4 insignia indicating or implying that this person is a registrant, certified alcohol
- 5 and drug counselor, certified prevention specialist, certified clinical
- 6 supervisor, licensed clinical addictions specialist, ~~certified substance abuse~~
- 7 ~~residential facility director, substance abuse alcohol and drug counselor intern,~~
- 8 certified criminal justice addictions professional, or licensed clinical
- 9 addictions specialist associate, unless this person is registered, certified, or
- 10 licensed pursuant to this Article.
- 11 (3) Practice or attempt to practice as a certified alcohol and drug counselor,
- 12 certified prevention specialist, certified clinical supervisor, licensed clinical
- 13 addictions specialist, certified criminal justice addictions professional, alcohol
- 14 and drug counselor intern, licensed clinical addictions specialist associate,
- 15 clinical supervisor intern, ~~certified substance abuse residential facility director~~
- 16 or registrant with a revoked, lapsed, or suspended certification or license.
- 17 (4) Aid, abet, or assist any person to practice as a certified alcohol and drug
- 18 counselor, certified prevention specialist, certified criminal justice addictions
- 19 professional, certified clinical supervisor, licensed clinical addictions
- 20 specialist, ~~certified substance abuse residential facility director,~~ registrant,
- 21 alcohol and drug counselor intern, licensed clinical addictions specialist
- 22 associate, or clinical supervisor intern in violation of this Article.
- 23 (5) Knowingly serve in a position required by State law or rule or federal law or
- 24 regulation to be filled by a registrant, certified alcohol and drug counselor,
- 25 certified prevention specialist, certified criminal justice addictions
- 26 professional, certified clinical supervisor, licensed clinical addictions
- 27 specialist, ~~certified substance abuse residential facility director,~~ alcohol and
- 28 drug counselor intern, licensed clinical addictions specialist associate, or
- 29 clinical supervisor intern unless that person is registered, certified, or licensed
- 30 under this Article.

31"

32 **SECTION 8.(h)** Subsection (a) of this section is effective July 1, 2019. The

33 remaining subsections of this section become effective upon the expiration of the last certified

34 substance abuse residential facility director credential issued prior to the effective date of this act

35 by the North Carolina Substance Abuse Professional Practice Board. The North Carolina

36 Substance Abuse Professional Practice Board shall notify the Revisor of Statutes when the last

37 credential issued by the Board has expired.

38

39 **PART IX. AMEND SOCIAL WORKER PRACTICE ACT**

40 **SECTION 9.(a)** Chapter 90B of the General Statutes reads as rewritten:

41 **"Chapter 90B.**

42 **"Social Worker Certification and Licensure Act.**

43 ...

44 **"§ 90B-2. Purpose.**

45 Since the profession of social work significantly affects the lives of the people of this State,

46 it is the purpose of this Chapter to protect the public by setting standards for qualification,

47 training, and experience for those who seek to represent themselves to the public as certified

48 social workers or licensed clinical social workers and by promoting high standards of

49 professional performance for those engaged in the practice of social work.

50 **"§ 90B-3. Definitions.**

51 The following definitions apply in this Chapter:

- 1 (1) Applicant. – An individual who has made application to the Board for the
2 issuance, renewal, or reinstatement of any credential which the Board is
3 authorized by law to issue.
- 4 ~~(1)~~(1a) Board. – The North Carolina Social Work Certification and Licensure Board.
- 5 (2) Repealed by Session Laws 2013-410, s. 8, effective August 23, 2013.
- 6 (3) ~~Certified Master Social Worker.~~ master social worker. – A person who is
7 certified under this Chapter to practice social work as a master social worker
8 and is engaged in the practice of social work.
- 9 (4) ~~Certified Social Work Manager.~~ social work manager. – A person who is
10 certified under this Chapter to practice social work as a social work manager
11 and is engaged in the practice of social work.
- 12 (5) ~~Certified Social Worker.~~ social worker. – A person who is certified under this
13 Chapter to practice social work as a social worker and is engaged in the
14 practice of social work.
- 15 (6) ~~Clinical Social Work Practice.~~ social work practice. – The professional
16 application of social work theory and methods to the biopsychosocial
17 diagnosis, treatment, or prevention, of emotional and mental disorders.
18 Practice includes, by whatever means of communications, the treatment of
19 individuals, couples, families, and groups, including the use of psychotherapy
20 and referrals to and collaboration with other health professionals when
21 appropriate. Clinical social work practice shall not include the provision of
22 supportive daily living services to persons with severe and persistent mental
23 illness as defined in G.S. 122C-3(33a).
- 24 (6a) ~~Licensed Clinical Social Worker.~~ clinical social worker. – A person who is
25 competent to function independently, who holds himself or herself out to the
26 public as a social worker, and who offers or provides clinical social work
27 services or supervises others engaging in clinical social work practice.
- 28 (6b) ~~Licensed Clinical Social Worker Associate.~~ clinical social worker associate.
29 – A person issued an associate license to provide clinical social work services
30 pursuant to G.S. 90B-7(f).
- 31 (7) ~~Practice of Social Work.~~ social work. – To perform or offer to perform
32 services, by whatever means of communications, for other people that involve
33 the application of social work values, principles, and techniques in areas such
34 as social work services, consultation and administration, and social work
35 planning and research.
- 36 (7a) Social work continuing education. – Training that, in accordance with the
37 requirements established by the Board pursuant to G.S. 90B-6(g), (i) fosters
38 the enhancement of generalized or specialized social work practice, values,
39 skills, or knowledge, and (ii) includes an element addressing how the
40 knowledge and skills may be applied to the practice of social work.
- 41 (8) ~~Social Worker.~~ worker. – A person certified, licensed, or associate licensed
42 by this Chapter or otherwise exempt under ~~G.S. 90B-10~~ G.S. 90B-10, or a
43 person who has earned a bachelors, masters, or doctoral degree in social work
44 from a social work program accredited by or in candidacy for accreditation by
45 the Council on Social Work Education.
- 46 (9) Supervision. – The professional relationship between a supervisee and the
47 supervisor in which a supervisor provides guidance, oversight, direction, and
48 evaluation of the services provided by the supervisee in the professional
49 application of social work practice as defined by law. Supervision is designed
50 to promote responsibility, competency, and accountability, and to teach the
51 skills and techniques associated with social work practice.

1 **"§ 90B-4. Prohibitions.**

2 (a) Except as otherwise provided in this Chapter, it is unlawful for any person who is not
3 certified as a social worker, master social worker, or social work manager under this Chapter to
4 represent himself or herself to be certified under this Chapter or hold himself or herself out to the
5 public by any title or description denoting that he or she is certified under this Chapter. A person
6 who resides and practices social work in this State while credentialed in another state or
7 jurisdiction shall clearly amend reference to his or her credential identifying the state or
8 jurisdiction in which the credential is held.

9 (b) After January 1, 1992, except as otherwise provided in this Chapter, it is unlawful to
10 engage in or offer to engage in the practice of clinical social work without first being licensed
11 under this Chapter as a clinical social worker. A person who, pursuant to G.S. 90B-8(b), resides
12 and practices clinical social work in this State for a period of not more than five days in any
13 calendar year while credentialed in another state or jurisdiction, shall clearly amend reference to
14 his or her credential identifying the state or jurisdiction in which the credential is held.

15 (c) Nothing herein shall prohibit school social workers who are certified by the State
16 Board of Education from practicing school social work under the title "Certified School Social
17 Worker." Except as provided for licensed clinical social workers, nothing herein shall be
18 construed as prohibiting social workers who are not certified by the Board from practicing social
19 work. Except as provided herein for licensed clinical social workers, no agency, institution,
20 board, commission, bureau, department, division, council, member of the Council of State, or
21 officer of the legislative, executive or judicial branches of State government or counties, cities,
22 towns, villages, other municipal corporations, political subdivisions of the State, public
23 authorities, private corporations created by act of the General Assembly or any firm or
24 corporation receiving State funds shall require the obtaining or holding of any certificate issued
25 under this Chapter or the taking of an examination held pursuant to this Chapter as a requirement
26 for obtaining or continuing in employment.

27 (d) Nothing herein shall authorize the practice of medicine as defined in Article 1 of this
28 Chapter or the practice of psychology as defined in Article 18A of this Chapter.

29 **~~"§ 90B-5. North Carolina Social Work Certification and Licensure Board; Board~~**
30 **~~appointments; terms; composition.~~**

31 (a) For the purpose of carrying out the provisions of this Chapter, there is hereby created
32 the North Carolina Social Work Certification and Licensure Board which shall consist of seven
33 members appointed by the Governor as follows:

- 34 (1) ~~At least two members~~ one member of the Board shall be ~~Certified Social~~
35 ~~Workers or Certified Master Social Workers,~~ three a certified social worker,
36 a certified master social worker, or a certified social work manager, four
37 members shall be Licensed Clinical Social Workers, licensed clinical social
38 workers, and two members shall be appointed from the public at large.
39 Composition of the Board as to the race and sex of its members shall reflect
40 the composition of the population of the State of North Carolina.

41 ...

42 **"§ 90B-6. Functions and duties of the Board.**

43 ...

44 (g) The Board shall have the power to establish or approve study or training courses and
45 to establish reasonable standards for certification, licensure, and renewal of certification and
46 licensure, including the power to adopt or use examination materials and accreditation standards
47 of the Council on Social Work Education or other recognized accrediting agency and the power
48 to establish reasonable standards for continuing social work education; ~~provided that education,~~
49 except that the Board shall not require an examination for certificate and license renewal ~~no~~
50 ~~examination shall be required; provided further, that~~ of a certificate or license, and the Board
51 shall not have the power to withhold approval of social work study or training courses offered by

1 a college or university having a social work program approved by the Council on Social Work
2 Education.

3 (h) Subject to the provisions of Chapter 150B of the General Statutes, the Board shall
4 have the power to adopt rules to carry out the purposes of this Chapter, including but not limited
5 to the power to adopt ~~ethical supervision, ethical,~~ and disciplinary standards.

6 (i) The Board may order that any records concerning the practice of social work and
7 relevant to a complaint received by the Board or an inquiry or investigation conducted by or on
8 behalf of the Board shall be produced by the custodian of the records to the Board or for
9 inspection and copying by representatives of or counsel to the Board. A social worker licensed
10 by the Board or an agency employing a social worker licensed by the Board shall maintain
11 records for ~~a minimum of three~~ the longer of (i) 10 years from the date the social worker
12 terminates services to the client and the client services record is ~~closed~~-closed or (ii) the record
13 retention period mandated by a third-party payee. A social worker certified or licensed by the
14 Board shall cooperate fully and in a timely manner with the Board and its designated
15 representatives in an inquiry or investigation of the records conducted by or on behalf of the
16 Board.

17 ...

18 **"§ 90B-7. Titles and qualifications for certificates and licenses.**

19 (a) Each person desiring to obtain a certificate or license from the Board shall make
20 application to the Board upon such forms and in such manner as the Board shall prescribe,
21 together with the required application fee established by the Board.

22 (b) The Board shall issue a certificate as "Certified Social Worker" to an applicant who
23 meets the following qualifications:

24 (1) Has a bachelors degree in ~~a social work program~~ from a college or university
25 having a social work program ~~aeereditied~~-approved, accredited, or admitted to
26 candidacy for accreditation by the Council on Social Work Education for
27 undergraduate curricula.

28 (2) Has passed the ~~Board examination for the certification of persons in this~~
29 classification.~~Board-approved qualifying examination.~~

30 (c) The Board shall issue a certificate as "Certified Master Social Worker" to an applicant
31 who meets the following qualifications:

32 (1) Has a masters or doctoral degree in ~~a social work program~~ from a college or
33 university having a social work program ~~approved~~-approved, accredited, or
34 admitted to candidacy for accreditation by the Council on Social Work
35 Education.

36 (2) Has passed the ~~Board examination for the certification of persons in this~~
37 classification.~~Board-approved qualifying examination.~~

38 (d) The Board shall issue a license as a "Licensed Clinical Social Worker" to an applicant
39 who meets the following qualifications:

40 (1) ~~Holds or qualifies for a current certificate as a Certified Master Social~~
41 ~~Worker.~~Has a masters or doctoral degree in social work from a college or
42 university social work program approved, accredited, or admitted to
43 candidacy for accreditation by the Council on Social Work Education.

44 (2) Shows to the satisfaction of the Board that he or she has had two years of
45 clinical social work experience with appropriate supervision in the field of
46 specialization in which the applicant will practice.

47 (3) Has passed the ~~Board examination for the certification of persons in this~~
48 licensure.~~Board-approved qualifying examination.~~

49 (e) The Board shall issue a certificate as a "Certified Social Work Manager" to an
50 applicant who meets the following qualifications:

- 1 (1) ~~Holds or qualifies for a current certificate as a Certified Social Worker. Has a~~
2 masters or doctoral degree in social work from a college or university social
3 work program approved, accredited, or admitted for accreditation by the
4 Council on Social Work Education.
- 5 (2) Shows to the satisfaction of the Board that he or she has had two years of
6 experience in an administrative setting with appropriate supervision and
7 training.
- 8 (3) Has passed the ~~Board examination for the certification of persons in this~~
9 classification. Board-approved qualifying examination.

10 (f) The Board may issue an associate license in clinical social work to a person who has
11 a masters or doctoral degree in a social work program from a college or university ~~having a social~~
12 work program ~~approved~~ approved, accredited, or in candidacy for accreditation by the Council
13 on Social Work Education and who desires to be licensed as a licensed clinical social worker.
14 The associate license may not be issued for a period exceeding two years and the person issued
15 the associate license must practice under the supervision of a licensed clinical social worker or a
16 Board-approved alternate. ~~Notwithstanding G.S. 90B-6(g), an associate licensee shall pass the~~
17 qualifying clinical examination prescribed by the Board within two years to be eligible for
18 renewal of the associate license. The associate licensee shall complete all requirements for
19 licensed clinical social worker licensure within three renewal cycles, or a total of six years, unless
20 otherwise directed by the Board. Associate licensees who fail to satisfy all requirements for
21 licensed clinical social worker licensure within six years from the date of associate license
22 issuance may apply for a new associate license. However, the Board shall not issue a subsequent
23 associate license to an applicant until the applicant has passed the qualifying examination
24 required by the Board. Supervision and experience hours acquired under an associate license
25 shall expire six years from the date of initial associate license issuance, and expired supervision
26 and experience hours shall not apply toward future licensure.

27 **"§ 90B-8. Persons from other jurisdictions.**

28 (a) The Board may grant a reciprocal certificate or license without examination or by
29 special examination to any person who, at the time of application, is certified, registered or
30 licensed in good standing as a social worker by a similar board of another country, state, or
31 territory whose certification, registration or licensing standards are substantially equivalent to
32 those required by this Chapter. The applicant shall have passed an examination in the country,
33 state, or territory in which he or she is certified, registered, or licensed that is equivalent to the
34 examination required for the level of certification or licensure sought in this State.

35 (b) The Board may issue a temporary license to a nonresident clinical social worker who
36 is either certified, registered, or licensed in another jurisdiction whose standards, in the opinion
37 of the Board, at the time of the person's certification, registration, or licensure were substantially
38 equivalent to or higher than the requirements of this Chapter. Nothing in this Chapter shall be
39 construed as prohibiting a nonresident clinical social worker certified, registered, or licensed in
40 another state from rendering professional clinical social work services in this State for a period
41 of not more than five days in any calendar year. All persons granted a temporary clinical social
42 worker license shall comply with the supervision requirements established by the ~~Board.~~ Board
43 and shall fulfill all requirements for licensure prior to the expiration of the temporary license.

44 (c) The Board shall issue a temporary license to a military or military spouse applicant
45 who meets the requirements of G.S. 93B-15.1. Prior to the expiration of the temporary license,
46 the applicant shall fulfill all requirements for licensure, in accordance with G.S. 93B-15.1 or the
47 requirements of this Chapter.

48 **"§ 90B-9. Renewal of certificates and licenses.**

49 (a) All certificates and ~~licenses~~ licenses, excluding temporary licenses, shall be effective
50 upon date of issuance by the Board, and shall be renewed on or before the ~~second June 30~~
51 ~~thereafter.~~ expiration date of the certificate or license.

1 (b) All certificates and licenses issued hereunder shall be renewed at the times and in the
2 manner provided by this section. At least 45 days prior to expiration of each certificate or license,
3 the Board shall mail a notice ~~and application for~~ renewal to the certificate holder or licensee.
4 Prior to the expiration date, the applicant shall submit to the Board the properly completed
5 application shall be properly completed, together with a for renewal, the renewal fee established
6 by the Board pursuant to G.S. 90B-6.2(a)(4)-G.S. 90B-6.2(a)(4), and evidence of completion of
7 the continuing education requirements established by the Board pursuant to G.S. 90B-6(g), upon
8 receipt of which the Board shall renew the certificate or license. If the application for renewal of
9 a certificate or license is not renewed-received by the Board office on or before the close of
10 business on the day prior to the expiration date, date of the license, an additional fee shall be
11 charged for late renewal as provided in G.S. 90B-6.2(a)(5).

12 (c) A certificate or license issued under this Chapter shall be automatically suspended for
13 failure to renew for a period of more than 60 days after the renewal date. The Board may reinstate
14 a certificate or license suspended under this subsection upon verification of compliance with
15 current requirements and payment of a reinstatement fee as provided in G.S. 90B-6.2(a)(6) and
16 may require that the applicant file a new application, furnish new supervisory reports or
17 references or otherwise update his or her credentials, or submit to examination for reinstatement.
18 The Board shall have exclusive jurisdiction to investigate alleged violations of this Chapter by
19 any person whose certificate or license has been suspended under this subsection and, upon proof
20 of any violation of this Chapter, the Board may take disciplinary action as provided in
21 G.S. 90B-11.

22 **"§ 90B-9.1. Nonpracticing status.**

23 ~~(d)(a)~~ Any person certified or licensed and desiring to retire temporarily from the practice
24 of social work shall send written notice thereof to the Board. Upon receipt of such notice, his or
25 her ~~name shall be placed upon the nonpracticing list and he or she~~ certificate or license shall be
26 placed on nonpracticing status. During a period of nonpracticing status, the certificate or license
27 holder shall not be subject to payment of renewal fees while temporarily retired. fees and shall
28 not be subject to continuing education requirements corresponding to his or her credential. Social
29 workers whose certificate or license has been placed on nonpracticing status shall not refer to
30 themselves as certified or licensed by the Board and shall not engage in social work practice that
31 requires an active certificate or license under this Chapter.

32 (b) In order to ~~reinstate certification or licensure, the~~ reactivate a certificate or license
33 that has been placed on nonpracticing status, a person shall apply to the Board by making a
34 written request for reinstatement and paying reactivation. Upon payment of the appropriate
35 renewal fee as provided in G.S. 90B-6.2-G.S. 90-6.2, and upon receipt of documentation to the
36 satisfaction of the Board that continuing education requirements for the certification or licensure
37 are complete, the Board shall reactivate the certificate or license of an applicant who is otherwise
38 qualified under this Chapter.

39 **"§ 90B-10. Exemption from certain requirements.**

40 (a) Applicants who were engaged in the practice of social work before January 1, 1984,
41 shall be exempt from the academic qualifications required by this act for ~~Certified Social Workers~~
42 certified social workers and Certified Social Work Managers-certified social work managers and
43 shall be certified upon passing the Board examination and meeting the experience requirements,
44 if any, for certification of persons in that classification.

45 (b) The following may engage in clinical social work practice without meeting the
46 requirements of G.S. 90B-7(d):

- 47 (1) Repealed by Session Laws 2007-379, s. 4, effective August 19, 2007.
- 48 (2) A student completing a clinical requirement for graduation while pursuing a
49 course of study in social work in an institution accredited by or in candidacy
50 status with the Council on Social Work Education.
- 51 (3) Repealed by Session Laws 2007-379, s. 4, effective August 19, 2007.

(c) Notwithstanding ~~the requirements of G.S. 90B-4 and G.S. 90B-16~~, any individual who is employed by an agency of a local or State governmental entity, and who is in a position holding the title of "Social Worker" or any variation of the name, and whose position title is derived from the Office of State Human Resources ~~Social Work Series Classification Specifications~~ may use the title "Social Worker" or any variation of the title. This includes persons in such positions in counties whose classification and compensation systems have been certified as substantially equivalent by the State Human Resources Commission and persons serving in such positions in Human Services agencies created by counties pursuant to G.S. 153A-77.

"§ 90B-11. Disciplinary procedures.

(a) The Board may, in accordance with the provisions of Chapter 150B of the General Statutes, deny, suspend, or revoke an application, certificate, or license on any of the following grounds:

- (1) Conviction of ~~a misdemeanor~~ or the entering of a plea of guilty or nolo contendere to ~~a any misdemeanor under this Chapter involving moral turpitude, misrepresentation or fraud in dealing with the public, conduct otherwise relevant to fitness to practice social work, or any misdemeanor reflecting inability to practice social work with due regard to the health and safety of clients or patients.~~
- (2) Conviction of a felony or the entering of a plea of guilty or nolo contendere to a felony under the laws of the United States or of any state of the United States.
- (3) Gross unprofessional conduct, dishonest practice or incompetence in the practice of social work.
- (4) Procuring or attempting to procure a certificate or license by fraud, deceit, or misrepresentation.
- (5) Any fraudulent or dishonest conduct in social work.
- (6) Inability of the person to perform the functions for which he or she is certified or licensed, or substantial impairment of abilities by reason of physical or mental disability.
- (7) Violations of any of the provisions of this Chapter or of rules of the Board.

...

(d) In considering whether an applicant, certificate holder, or licensee is mentally or physically capable of practicing social work with reasonable skill and safety, the Board may require an applicant, certificate holder, or licensee to submit to any of the following, at his or her own expense: (i) a criminal history record check, including fingerprints, (ii) a mental examination and substance abuse assessment by a licensed clinical social worker or other licensed mental health professional designated by the ~~Board~~ Board, and ~~to~~ (iii) a physical examination by a physician or other licensed health professional designated by the Board. The examination may be ordered by the Board before or after charges are presented against the applicant, certificate holder, or licensee and the results of the examination shall be reported directly to the Board and shall be admissible in evidence in a hearing before the Board.

...

(h) The Board may assess costs of disciplinary action against an applicant, certificate holder, or licensee found to be in violation of the provisions of this Chapter or of any rules adopted by the Board pursuant to this Chapter."

SECTION 9.(b) This section becomes effective January 1, 2021. Qualifications for the certificate of Certified Social Work Manager, as amended by this act, apply only to applications for certification received by the Board on or after January 1, 2021.

PART X. EFFECTIVE DATE

1 **SECTION 10.** Except as otherwise provided, this act is effective when it becomes
2 law.