

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 495
SENATE BILL 83

AN ACT SETTING STANDARDS FOR QUALIFICATION, TRAINING AND EXPERIENCE FOR PERSONS SEEKING TO REPRESENT THEMSELVES TO THE PUBLIC AS CERTIFIED SOCIAL WORKERS: CREATING A STATE BOARD OF EXAMINERS FOR SOCIAL WORKERS: DEFINING THE FUNCTIONS AND DUTIES OF THAT BOARD: AND PROVIDING FOR PENALTIES.

The General Assembly of North Carolina enacts:

Section 1. The General Statutes are amended by adding a new Chapter to read as follows:

"CHAPTER 90B.

"Social Worker Certification Act.

"§ 90B-1. Short Title. – This Chapter shall be known as the 'Social Worker Certification Act'.

"§ 90B-2. Purpose. – Since the profession of social work significantly affects the lives of the people of this State, it is the purpose of this act to protect the public by setting standards for qualification, training and experience for those who seek to represent themselves to the public as certified social workers and by promoting high standards of professional performance for those engaged in the practice of social work.

"§ 90B-3. Definitions. – (a) 'Board' means the North Carolina Certification Board for Social Work.

(b) 'Social worker' is a person engaging in the public practice of social work who is not a Certified Social Worker, Certified Master Social Worker, Certified Clinical Social Worker or Certified Social Work Manager, as defined in this Chapter.

(c) A person is engaged in the 'public practice of social work' who holds himself or herself out to the public as a social worker and who offers to perform or does perform for other persons, services which involve the application of social work values, principles and techniques in areas such as social work services, consultation and administration, and social work planning and research.

(d) 'Certified Social Worker', 'Certified Master Social Worker', 'Certified Clinical Social Worker', 'Certified Social Work Manager' means a person who is engaged in the practice of social work and who is certified under subparagraphs (b), (c), (d) and (e), respectively, of G.S. 90B-7.

"§ 90B-4. Prohibitions. – (a) After January 1, 1984, except as otherwise provided in this Chapter, it is unlawful for any person who is not certified under this Chapter, to represent himself or herself to be certified under this Chapter or hold himself or herself

out to the public by any title or description denoting that he or she is certified under this Chapter. Nothing herein shall prohibit school social workers who are certified by the State Board of Education from practicing school social work under the title 'Certified School Social Worker'. Nothing herein shall be construed as prohibiting social workers who are not certified by the N.C. Certification Board for Social Work from practicing social work. Notwithstanding any other provision of law, no agency, institution, board, commission, bureau, department, division, council, member of the Council of State, or officer of the legislative, executive or judicial branches of State government or counties, cities, towns, villages, other municipal corporations, political subdivisions of the State, public authorities, private corporations created by act of the General Assembly or any firm or corporation receiving State funds shall require the obtaining or holding of any certificate issued under this Chapter or the taking of an examination held pursuant to this Chapter as a requirement for obtaining or continuing in employment.

"§ 90B-5. North Carolina Certification Board for Social Work; appointments; terms; composition. – For the purpose of carrying out the provisions of this Chapter, there is hereby created the North Carolina Certification Board for Social Work which shall consist of seven members appointed by the Governor in the manner hereinafter prescribed. The Governor may remove any member of the Board for neglect of duty or malfeasance or conviction of a felony or other crime of moral turpitude, but for no other reason.

- (1) At least two members of the Board shall be Certified Social Workers except that initial appointees shall be persons who meet the educational and experience requirements for certification as Certified Social Workers under the provisions of this Chapter; two members shall be Certified Clinical Social Workers except that initial appointees shall be persons who meet the educational and experience requirements for certification as Certified Clinical Social Workers under the provisions of this Chapter; and three members shall be appointed from the public at large. Composition of the Board as to the race and sex of its members shall reflect the composition of the population of the State of North Carolina.
- (2) At all times the Board shall include at least one member primarily engaged in social work education, at least one member primarily engaged in social work in the public sector, and at least one member primarily engaged in social work in the private sector.
- (3) All members of the Board shall be residents of the State of North Carolina, and after the establishment of the initial Board, all members, with the exception of the public members, shall be certified by the Board under the provisions of this Chapter. Professional members of the Board must be actively engaged in the practice of social work or in the education and training of students in social work, and have been for at least three years prior to their appointment to the Board. Such activity during the two years preceding the appointment shall have occurred primarily in this State.

- (4) The term of office of each member of the Board shall be three years; provided, however, that of the members first appointed, three shall be appointed for terms of one year, two for terms of two years, and two for terms of three years. No member shall serve more than two consecutive three-year terms.
- (5) Each term of service on the Board shall expire on the 30th day of June of the year in which the term expires. As the term of a member expires, the Governor shall make the appointment for a full term, or, if a vacancy occurs for any other reason, for the remainder of the unexpired term.
- (6) Members of the Board shall receive compensation for their services and reimbursement for expenses incurred in the performance of duties required by this Chapter, at the rates prescribed in G.S. 93B-5.
- (7) The Board may employ, subject to the provisions of Chapter 126 of the General Statutes, the necessary personnel for the performance of its functions, and fix their compensation within the limits of funds available to the Board.

"§ 90B-6. Functions and duties of the Certification Board. – (a) The Board shall administer and enforce the provisions of this Chapter.

(b) The Board shall elect from its membership, a chairperson, a vice-chairperson, and secretary-treasurer, and adopt rules to govern its proceedings. A majority of the membership shall constitute a quorum for all Board meetings.

(c) The Board shall examine and pass on the qualifications of all applicants for certificates under this Chapter, and shall issue a certificate to each successful applicant therefor.

(d) The Board may adopt a seal which may be affixed to all certificates issued by the Board.

(e) The Board may authorize expenditures deemed necessary to carry out the provisions of this Chapter from the fees which it collects, but in no event shall expenditures exceed the revenues of the Board during any fiscal year. No State appropriations shall be subject to the administration of the Board.

(f) The Board shall establish and receive fees not to exceed fifty dollars (\$50.00) for initial or renewal application, not to exceed one hundred dollars (\$100.00) for examination, and not to exceed fifteen dollars (\$15.00) for late renewal, maintain Board accounts of all receipts, and make expenditures from Board receipts for any purpose which is reasonable and necessary for the proper performance of its duties under this Chapter.

(g) The Board shall have the power to establish or approve study or training courses and to establish reasonable standards for certification and certificate renewal, including but not limited to the power to adopt or use examination materials and accreditation standards of the Council on Social Work Education or other recognized accrediting agency and the power to establish reasonable standards for continuing social work education; provided that for certificate renewal no examination shall be required; provided further, that the Board shall not have the power to withhold approval of study

or training courses offered by a college or university having a social work program approved by the Council on Social Work Education.

(h) Subject to the provisions of Chapter 150A of the General Statutes, the Board shall have the power to adopt, amend, or rescind rules and regulations to carry out the purposes of this Chapter, including but not limited to the power to adopt ethical and disciplinary standards.

"§ 90B-6.1. Board general provisions. – The Board shall be subject to the administrative provisions of Chapter 93B of the General Statutes.

"§ 90B-7. Titles and qualifications for certificates. – (a) Each person desiring to obtain a certificate from the Board shall make application to the Board upon such forms and in such manner as the Board shall prescribe, together with the required application fee established by the Board.

(b) The Board shall issue a certificate as 'Certified Social Worker' to an applicant who:

- (1) has a bachelor's degree in a social work program from a college or university having a social work program accredited or admitted to candidacy for accreditation by the Council on Social Work Education for undergraduate curricula or has a bachelor's degree in a subject area related to human services and has completed a minimum of 18 semester hours of social work training in a social work program accredited or admitted to candidacy for accreditation by the Council on Social Work Education; and
- (2) has passed the Board examination for the certification of persons in this classification.

(c) The Board shall issue a certificate as 'Certified Master Social Worker' to an applicant who:

- (1) has a master's or doctor's degree in a social work program from a college or university having a social work program approved by the Council on Social Work Education; and
- (2) has passed the Board examination for the certification of persons in this classification.

(d) The Board shall issue a certificate as a 'Certified Clinical Social Worker' to an applicant who:

- (1) holds or qualifies for a current certificate as a Certified Master Social Worker; and
- (2) shows to the satisfaction of the Board that he or she has had two years of experience in a clinical setting with appropriate supervision in the field of specialization in which the applicant will practice; and
- (3) has passed the Board examination for the certification of persons in this classification.

(e) The Board shall issue a certificate as a 'Certified Social Work Manager' to an applicant who:

- (1) holds or qualifies for a current certificate as a Certified Social Worker; and

- (2) shows to the satisfaction of the Board that he or she has had two years of experience in an administrative setting with appropriate supervision and training; and
- (3) has passed the Board examination for the certification of persons in this classification.

"§ 90B-8. Persons from other jurisdictions. – The Board may grant a certificate without examination or by special examination to any person who, at the time of application, is certified, registered or licensed as a social worker by a similar board of another country, state, or territory whose certification, registration or licensing standards are substantially equivalent to those required by this Chapter.

"§ 90B-9. Renewal of certificates. – (a) All certificates shall be effective upon date of issuance by the Board, and shall expire on the second June 30 thereafter.

(b) All certificates issued hereunder shall be renewed at the times and in the manner provided by this section. At least 45 days prior to expiration of each certificate, the Board shall mail a notice for certificate renewal to the person certified for the current certification period. Prior to the expiration date, the applicant must return the notice properly completed, together with a renewal fee established by the Board and evidence of completion of the continuing education requirements established by the Board under G.S. 90B-6(g), upon receipt of which the Board shall issue to the person to be certified the renewed certificate for the period stated on the certificate.

(c) Any person certified who allows his certificate to lapse for failure to apply for renewal within 45 days after notice shall have his or her certificate automatically suspended, and be subject to a late renewal fee as established pursuant to G.S. 90B-6(f), and if he or she fails to apply for renewal of a certificate within one year after date of such suspension, the certificate shall lapse and may be reissued only upon application as for an original certificate.

(d) Any person certified and desiring to retire temporarily from the practice of social work shall send written notice thereof to the Board. Upon receipt of such notice, his or her name shall be placed upon the nonpracticing list and he or she shall not be subject to payment of renewal fees. In order to renew certification, application for renewal shall be made in ordinary course with a renewal fee for the current period.

"§ 90B-10. Exemption from academic qualifications. – Applicants who were engaged in the practice of social work before January 1, 1984, shall be exempt from the academic qualifications required by this act for Certified Social Workers and Certified Social Work Managers and shall be certified upon passing the Board examination and meeting the experience requirements, if any, for certification of persons in that classification.

"§ 90B-11. Disciplinary procedures. – The Board may, in accordance with the provisions of Chapter 150A of the General Statutes, refuse to grant or to renew, may suspend, or may revoke the certificate of any person certified under this Chapter on the following grounds:

- (1) conviction of a misdemeanor under this Chapter; or
- (2) conviction of a felony under the laws of the United States or of any state of the United States; or

- (3) gross unprofessional conduct, dishonest practice or incompetence in the practice of social work; or
- (4) procuring or attempting to procure a certificate by fraud, deceit, or misrepresentation; or
- (5) any fraudulent or dishonest conduct in social work; or
- (6) inability of the person to perform the functions for which he or she is certified, or substantial impairment of abilities by reason of physical or mental disability; or
- (7) violations of any of the provisions of this Chapter or of rules of the Board.

"§ 90B-12. Violation a misdemeanor. – Any person violating any provision of this Chapter is guilty of a misdemeanor and, upon conviction thereof, may be punishable by fine not exceeding two hundred dollars (\$200.00) for the first offense and five hundred dollars (\$500.00) for each subsequent offense, by imprisonment of not more than six months, or by both such fine and imprisonment.

"§ 90B-13. Injunction. – As an additional remedy, the Board may proceed in a superior court to enjoin and restrain any person from violating the prohibitions of this Chapter. The Board shall not be required to post bond in connection with such proceeding."

Sec. 2. Chapter 8 of the General Statutes is amended by adding the following new section:

"§ 8-53.7. Social worker privilege. – No person engaged in delivery of private social work services, duly certified pursuant to Chapter 90B of the General Statutes shall be required to disclose any information which he or she may have acquired in rendering professional social services, and which information was necessary to enable him or her to render professional social services: provided, that the presiding judge of a superior or district court may compel such disclosure, if in the court's opinion the same is necessary to a proper administration of justice and such disclosure is not prohibited by other statute or regulation."

Sec. 3. Nothing herein contained shall be construed to obligate the General Assembly to make any appropriation to implement the provisions of this act.

Sec. 4. For the purposes of the appointment of the initial Board and of administrative preparation for the implementation of this Chapter, this act shall become effective July 1, 1983. For all other purposes, this act shall become effective January 1, 1984.

In the General Assembly read three times and ratified, this the 10th day of June, 1983.