

April 5, 2001

S 1072. MENTAL HEALTH PRACTITIONER ACT. TO ESTABLISH THE MENTAL HEALTH PRACTITIONER LICENSING ACT. Creates new article 31A in GS 90-490 et seq. Requires that only persons licensed pursuant to act may practice as a mental health practitioner or identify themselves as mental health practitioners. Mental health services are defined to mean services to persons whose growth, adjustment, or functioning is actually impaired or may be at substantial risk of impairment. Specifically includes services to individuals, families or groups, and includes preventive, assessment, or therapeutic intervention. Creates the NC Mental Health Practitioner Licensing Board consisting of seven members who serve staggered terms. Members are appointed by the Governor and must each be from a different congressional district. The members must be appointed on or before Jan. 1, 2002. Five members must be mental health practitioners licensed pursuant to the new act who have at least 5 years experience in mental health services and two must be members of the general public who are not licensed under GS 90 and are not the spouse of a person licensed under GS 90. The Board's duties include enforcing provisions of act and adopting rules for administration of licensing requirement; issuing, denying and revoking licenses, and conducting all disciplinary proceedings; setting continuing educational requirements for licensees and setting fees for licensure subject to the limitations set forth in the act. Applicant for licensure must (1) be 18 years of age; (2) be of good moral character as determined by the Board; (3) hold a masters degree in a Board-approved program; (4) submit any documentation requested by the Board; and (5) successfully complete an examination administered by the Board. Licenses must be renewed every two years. Renewal of license must depend on completion of continuing education requirements set by Board. Makes it a Class 2 misdemeanor to provide mental health practitioner services or to hold oneself out as a mental health practitioner without being licensed pursuant to the act. Allows Board to assess civil penalties not in excess of \$1,000 for violation of act or violation of any rule adopted by the Board. Requires that persons who have reason to suspect misconduct or incapacity of a licensee, or who have reasonable cause to believe someone is acting in violation of the act must report the facts to the Board. Provides immunity from criminal prosecution or civil liability to anyone making a good faith report. The initial licensure period is from Oct. 1, 2001, through Sept. 30, 2002, to implement even-numbered year license renewals. Persons licensed as a psychological associate may make application to the Board to obtain licensure as a mental health practitioner before Sept. 30, 2002. Any psychological associate not making application before that date must complete all requirements of act.

Intro. by Miller.

Ref. to Health Care	GS 90
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