

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 537\*  
House Committee Substitute Favorable 7/30/19

Short Title: ACH Pmt/Counselor-SA-SW Act Amend/ DHHS Rev. (Public)

Sponsors:

Referred to:

April 3, 2019

A BILL TO BE ENTITLED

AN ACT TO EXAMINE AND ESTABLISH A NEW ADULT CARE HOME PAYMENT METHODOLOGY; TO AMEND THE LICENSED PROFESSIONAL COUNSELORS ACT, TO UPDATE AND REVISE THE SUBSTANCE ABUSE PROFESSIONAL PRACTICE ACT, AND TO AMEND THE SOCIAL WORKER CERTIFICATION AND LICENSURE ACT; AND TO AMEND DEPARTMENT OF HEALTH AND HUMAN SERVICES' STATUES PERTAINING TO MEDICAID, SOCIAL SERVICES REFORM, CHILD SUPPORT, VOCATIONAL REHABILITATION, THE STATE CONSUMER AND FAMILY ADVISORY COMMITTEE, EMPLOYEE ASSISTANCE PROFESSIONALS, ADOPTIONS, CHILD ABUSE AND NEGLECT, JOINT SECURITY FORCES, SECURITY RECORDINGS, NC REACH PROGRAM, TRAUMATIC BRAIN INJURY, AND THE MEDICAL CARE COMMISSION MEMBERSHIP.

The General Assembly of North Carolina enacts:

**PART I. ESTABLISH NEW ADULT CARE HOME PAYMENT METHODOLOGY**

**SECTION 1.(a)** It is the intent of the General Assembly to provide funding to adult care homes in the State in a manner that recognizes the importance of a stable and reliable funding stream to ensure access, choice, and quality of care within the adult care home segment of the care continuum. In furtherance of this intent, and as the North Carolina Medicaid program transitions to a managed care delivery system, the Department of Health and Human Services is directed to establish and convene a workgroup to evaluate reimbursement options for services provided by adult care homes that take into account all funding streams and to develop a new service definition, or definitions, under Medicaid managed care for these services. The workgroup shall consist of adult care home industry representatives and other relevant stakeholders. In development of the new service definition, or definitions, the workgroup shall include all of the following components:

- (1) Support for alternative payment models available under the State's 1115 Medicaid waiver for Medicaid transformation, including pay-for-performance initiatives.
- (2) Best practices for long-term services and supports.
- (3) Efficient payment methodologies.

**SECTION 1.(b)** No later than December 1, 2020, the Department of Health and Human Services shall submit a report on the new service definition, or definitions, developed by the workgroup, as required in subsection (a) of this section, to the Joint Legislative Oversight Committee on Health and Human Services, the Joint Legislative Oversight Committee on Medicaid and NC Health Choice, and the Fiscal Research Division. The Department shall not



1 submit to the Centers for Medicare and Medicaid Services any amendments to the NC Medicaid  
2 State Plan necessary to implement the new service definition without prior approval from the  
3 General Assembly.

4 **SECTION 1.(c)** If House Bill 966, 2019 Regular Session, becomes law, then Section  
5 9D.12B of that act is repealed.

6  
7 **PART II-A. CHANGES TO THE LICENSED PROFESSIONAL COUNSELORS ACT**

8 **SECTION 2.(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 ...

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

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

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

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

51 **"§ 90-331. Prohibitions.**

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

8 **"§ 90-332. Use of title by firm.**

9 It shall be unlawful for any firm, partnership, corporation, association, or other business or  
10 professional entity to assume or use the title of licensed ~~professional-clinical mental health~~  
11 counselor unless each of the members of the firm, partnership, or association is licensed by the  
12 Board.

13 **"§ 90-332.1. Exemptions from licensure.**

14 ...

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

18 ...

19 **"§ 90-333. North Carolina Board of Licensed ~~Professional-Clinical Mental Health~~**  
20 **Counselors; appointments; terms; composition.**

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

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

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

39 ...

40 **"§ 90-334. Functions and duties of the Board.**

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

42 ...

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

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

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

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

6 **"§ 90-335. Board general provisions.**

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

8 **"§ 90-336. Title and qualifications for licensure.**

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

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

16        ...

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

20        ...

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

24        ...

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

- 27            (1) Has met all of the requirements under subsection (b), (b1), or (b2) of this  
28 section, as applicable.
- 29            (2) Has completed a minimum of 3,000 hours of supervised ~~professional-clinical~~  
30 ~~mental health~~ practice as determined by the Board.

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

- 35            (1) Has met all of the requirements under subsection (c) of this section.
- 36            (2) Has one of the following:
- 37                    a. At least five years of full-time licensed ~~professional-clinical mental~~  
38 ~~health~~ counseling experience, including a minimum of 2,500 hours of  
39 direct client contact;
- 40                    b. At least eight years of part-time licensed ~~professional-clinical mental~~  
41 ~~health~~ counseling experience, including a minimum of 2,500 hours of  
42 direct client contact; or
- 43                    c. A combination of full-time and part-time ~~professional-clinical mental~~  
44 ~~health~~ counseling experience, including a minimum of 2,500 hours of  
45 direct client contact as determined by the Board.
- 46            (3) Has completed minimum education requirements in clinical supervision as  
47 approved by the Board.
- 48            (4) Has an active license in good standing as a licensed ~~professional-clinical~~  
49 ~~mental health~~ counselor approved by the Board.

50 **"§ 90-337. Persons credentialed in other states.**

1 (a) The Board may license any person who is currently licensed, certified, or registered  
2 by another state if the individual has met requirements determined by the Board to be  
3 substantially similar to or exceeding those established under this Article.

4 (b) The Board may enter into reciprocity agreements with another state that has  
5 requirements for licensure as a clinical mental health counselor that are substantially similar or  
6 that exceed requirements established under this Article.

7 ~~"§ 90-338. Exemptions.~~

8 ~~Applicants holding certificates of registration as Registered Practicing Counselors and in~~  
9 ~~good standing with the Board shall be issued licenses as licensed professional counselors without~~  
10 ~~meeting the requirements of G.S. 90-336(c). The following applicants shall be exempt from the~~  
11 ~~academic qualifications required by this Article for licensed professional counselor associates or~~  
12 ~~licensed professional counselors and shall be licensed upon passing the Board examination and~~  
13 ~~meeting the experience requirements:~~

- 14 (1) ~~An applicant who was engaged in the practice of counseling before July 1,~~  
15 ~~1993, and who applied to the Board prior to January 1, 1996.~~
- 16 (2) ~~An applicant who holds a masters degree from a college or university~~  
17 ~~accredited by one of the regional accrediting associations or from a college or~~  
18 ~~university determined by the Board to have standards substantially equivalent~~  
19 ~~to a regionally accredited institution, provided the applicant was enrolled in~~  
20 ~~the masters program prior to July 1, 1994.~~

21 ...

22 **"§ 90-340. Protection of the public.**

23 (a) The Board may, in accordance with the provisions of Chapter 150B of the General  
24 Statutes, deny, suspend, or revoke licensure, discipline, place on probation, limit practice, or  
25 require examination, remediation, or rehabilitation of any person licensed under this Article on  
26 one or more of the following grounds:

- 27 (1) Has been convicted of a felony or entered a plea of guilty or nolo contendere  
28 to any felony charge under the laws of the United States or of any state of the  
29 United States.
- 30 (2) Has been convicted of or entered a plea of guilty or nolo contendere to any  
31 misdemeanor involving moral turpitude, misrepresentation, or fraud in  
32 dealing with the public, or conduct otherwise relevant to fitness to practice  
33 ~~professional clinical mental health~~ counseling, or a misdemeanor charge  
34 reflecting the inability to practice ~~professional clinical mental health~~  
35 counseling with due regard to the health and safety of clients or patients.
- 36 (3) Has engaged in fraud or deceit in securing or attempting to secure or renew a  
37 license under this Article or has willfully concealed from the Board material  
38 information in connection with application for a license or renewal of a license  
39 under this Article.
- 40 (4) Has practiced any fraud, deceit, or misrepresentation upon the public, the  
41 Board, or any individual in connection with the practice of ~~professional~~  
42 ~~clinical mental health~~ counseling, the offer of ~~professional clinical mental~~  
43 ~~health~~ counseling services, the filing of Medicare, Medicaid, or other claims  
44 to any third-party payor, or in any manner otherwise relevant to fitness for the  
45 practice of ~~professional clinical mental health~~ counseling.
- 46 (5) Has made fraudulent, misleading, or intentionally or materially false  
47 statements pertaining to education, licensure, license renewal, certification as  
48 a health services provider, supervision, continuing education, any disciplinary  
49 actions or sanctions pending or occurring in any other jurisdiction,  
50 professional credentials, or qualifications or fitness for the practice of

- 1           ~~professional~~clinical mental health counseling to the public, any individual,  
2           the Board, or any other organization.
- 3           (6)   Has had a license or certification for the practice of ~~professional~~clinical  
4           mental health counseling in any other jurisdiction suspended or revoked, or  
5           has been disciplined by the licensing or certification board in any other  
6           jurisdiction for conduct which would subject him or her to discipline under  
7           this Article.
- 8           (7)   Has violated any provision of this Article or any rules adopted by the Board.
- 9           (8)   Has aided or abetted the unlawful practice of ~~professional~~clinical mental  
10          health counseling by any person not licensed by the Board.
- 11          (9)   Has been guilty of immoral, dishonorable, unprofessional, or unethical  
12          conduct as defined in this subsection or in the current code of ethics of the  
13          American Counseling Association. However, if any provision of the code of  
14          ethics is inconsistent and in conflict with the provisions of this Article, the  
15          provisions of this Article shall control.
- 16          (10)  Has practiced ~~professional~~clinical mental health counseling in such a manner  
17          as to endanger the welfare of clients.
- 18          (11)  Has demonstrated an inability to practice ~~professional~~clinical mental health  
19          counseling with reasonable skill and safety by reason of illness, inebriation,  
20          misuse of drugs, narcotics, alcohol, chemicals, or any other substance  
21          affecting mental or physical functioning, or as a result of any mental or  
22          physical condition.
- 23          (12)  Has practiced ~~professional~~clinical mental health counseling outside the  
24          boundaries of demonstrated competence or the limitations of education,  
25          training, or supervised experience.
- 26          (13)  Has exercised undue influence in such a manner as to exploit the client,  
27          patient, student, supervisee, or trainee for the financial or other personal  
28          advantage or gratification of the licensed ~~professional~~clinical mental health  
29          counselor associate, licensed ~~professional~~clinical mental health counselor, or  
30          a third party.
- 31          (14)  Has harassed or abused, sexually or otherwise, a client, patient, student,  
32          supervisee, or trainee.
- 33          (15)  Has failed to cooperate with or to respond promptly, completely, and honestly  
34          to the Board, to credentials committees, or to ethics committees of  
35          professional associations, hospitals, or other health care organizations or  
36          educational institutions, when those organizations or entities have jurisdiction.
- 37          (16)  Has refused to appear before the Board after having been ordered to do so in  
38          writing by the chair.
- 39          (17)  Has a finding listed on the Division of Health Service Regulation of the  
40          Department of Health and Human Services Health Care Personnel Registry.
- 41          (b)   The Board may, in lieu of denial, suspension, or revocation, take any of the following  
42          disciplinary actions:
- 43                  (1)   Issue a formal reprimand or formally censure the applicant or licensee.
- 44                  (2)   Place the applicant or licensee on probation with the appropriate conditions  
45                  on the continued practice of ~~professional~~clinical mental health counseling  
46                  deemed advisable by the Board.
- 47                  (3)   Require examination, remediation, or rehabilitation for the applicant or  
48                  licensee, including care, counseling, or treatment by a professional or  
49                  professionals designated or approved by the Board, the expense to be borne  
50                  by the applicant or licensee.

- 1 (4) Require supervision of the ~~professional~~-clinical mental health counseling  
2 services provided by the applicant or licensee by a licensee designated or  
3 approved by the Board, the expense to be borne by the applicant or licensee.  
4 (5) Limit or circumscribe the practice of ~~professional~~-clinical mental health  
5 counseling provided by the applicant or licensee with respect to the extent,  
6 nature, or location of the ~~professional~~-clinical mental health counseling  
7 services provided, as deemed advisable by the Board.  
8 (6) Discipline and impose any appropriate combination of the types of  
9 disciplinary action listed in this section.

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

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

18 (d) When considering the issue of whether an applicant or licensee is physically or  
19 mentally capable of practicing ~~professional~~-clinical mental health counseling with reasonable  
20 skill and safety with patients or clients, upon a showing of probable cause to the Board that the  
21 applicant or licensee is not capable of practicing ~~professional~~-clinical mental health counseling  
22 with reasonable skill and safety with patients or clients, the Board may petition a court of  
23 competent jurisdiction to order the applicant or licensee in question to submit to a psychological  
24 evaluation by a psychologist to determine psychological status or a physical evaluation by a  
25 physician to determine physical condition, or both. The psychologist or physician shall be  
26 designated by the court. The expenses of the evaluations shall be borne by the Board. Where the  
27 applicant or licensee raises the issue of mental or physical competence or appeals a decision  
28 regarding mental or physical competence, the applicant or licensee shall be permitted to obtain  
29 an evaluation at the applicant or licensee's expense. If the Board suspects the objectivity or  
30 adequacy of the evaluation, the Board may compel an evaluation by its designated practitioners  
31 at its own expense.

32 ...

33 **"§ 90-343. Disclosure.**

34 Any individual, or employer of an individual, who is licensed under this Article may not  
35 charge a client or receive remuneration for ~~professional~~-clinical mental health counseling services  
36 unless, prior to the performance of those services, the client is furnished a copy of a Professional  
37 Disclosure Statement that includes the licensee's professional credentials, the services offered,  
38 the fee schedule, and other provisions required by the Board.

39 ...

40 **"§ 90-345. Criminal history record checks of applicants for licensure as ~~professional~~  
41 clinical mental health counselors.**

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

- 43 (1) Applicant. – A person applying for licensure as a licensed ~~professional~~-clinical  
44 mental health counselor associate pursuant to G.S. 90-336(b), 90-336(b1), or  
45 90-336(b2) or licensed ~~professional~~-clinical mental health counselor pursuant  
46 to G.S. 90-336(c).  
47 (2) Criminal history. – A history of conviction of a State or federal crime, whether  
48 a misdemeanor or felony, that bears on an applicant's fitness for licensure to  
49 practice ~~professional~~-clinical mental health counseling. The crimes include the  
50 criminal offenses set forth in any of the following Articles of Chapter 14 of  
51 the General Statutes: Article 5, Counterfeiting and Issuing Monetary

1 Substitutes; Article 5A, Endangering Executive and Legislative Officers;  
 2 Article 6, Homicide; Article 7B, Rape and Other Sex Offenses; Article 8,  
 3 Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury  
 4 or Damage by Use of Explosive or Incendiary Device or Material; Article 14,  
 5 Burglary and Other Housebreakings; Article 15, Arson and Other Burnings;  
 6 Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article  
 7 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services  
 8 by False or Fraudulent Use of Credit Device or Other Means; Article 19B,  
 9 Financial Transaction Card Crime Act; Article 20, Frauds; Article 21,  
 10 Forgery; Article 26, Offenses Against Public Morality and Decency; Article  
 11 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury;  
 12 Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35,  
 13 Offenses Against the Public Peace; Article 36A, Riots, Civil Disorders, and  
 14 Emergencies; Article 39, Protection of Minors; Article 40, Protection of the  
 15 Family; Article 59, Public Intoxication; and Article 60, Computer-Related  
 16 Crime. The crimes also include possession or sale of drugs in violation of the  
 17 North Carolina Controlled Substances Act in Article 5 of Chapter 90 of the  
 18 General Statutes and alcohol-related offenses including sale to underage  
 19 persons in violation of G.S. 18B-302 or driving while impaired in violation of  
 20 G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes  
 21 listed in this subdivision, such crimes also include similar crimes under federal  
 22 law or under the laws of other states.

23 ...."

24 **SECTION 2.(b)** This section becomes effective January 1, 2020.

25  
 26 **PART II-B. TECHNICAL AND CONFORMING CHANGES RELATED TO THE**  
 27 **RENAMING OF THE LICENSED CLINICAL MENTAL HEALTH COUNSELORS**  
 28 **ACT**

29 **SECTION 3.(a)** G.S. 8-53.8 reads as rewritten:

30 "**§ 8-53.8. Counselor privilege.**

31 No person, duly licensed pursuant to Chapter 90, Article 24, of the General Statutes, shall be  
 32 required to disclose any information which he or she may have acquired in rendering ~~professional~~  
 33 clinical mental health counseling services, and which information was necessary to enable him  
 34 or her to render ~~professional-clinical mental health~~ counseling services: Provided, that the  
 35 presiding judge of a superior or district court may compel such disclosure, if in the court's opinion  
 36 the same is necessary to a proper administration of justice and such disclosure is not prohibited  
 37 by other statute or regulation."

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

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

45 **SECTION 3.(c)** G.S. 55B-2(6) reads as rewritten:

46 "(6) The term "professional service" means any type of personal or professional  
 47 service of the public which requires as a condition precedent to the rendering  
 48 of such service the obtaining of a license from a licensing board as herein  
 49 defined, and pursuant to the following provisions of the General Statutes:  
 50 Chapter 83A, "Architects"; Chapter 84, "Attorneys-at-Law"; Chapter 93,  
 51 "Public Accountants"; and the following Articles in Chapter 90: Article 1,



"Practice of Medicine," Article 2, "Dentistry," Article 6, "Optometry," Article 7, "Osteopathy," Article 8, "Chiropractic," Article 9A, "Nursing Practice Act," with regard to registered nurses, Article 11, "Veterinarians," Article 12A, "Podiatrists," Article 18A, "Practicing Psychologists," Article 18C, "Marriage and Family Therapy Licensure," Article 18D, "Occupational Therapy," Article 22, "Licensure Act for Speech and Language Pathologists and Audiologists," and Article 24, "Licensed ~~Professional~~ Clinical Mental Health Counselors"; Chapter 89C, "Engineering and Land Surveying"; Chapter 89A, "Landscape Architects"; Chapter 90B, "Social Worker Certification and Licensure Act" with regard to Licensed Clinical Social Workers as defined by G.S. 90B-3; Chapter 89E, "Geologists"; Chapter 89B, "Foresters"; and Chapter 89F, "North Carolina Soil Scientist Licensing Act".

**SECTION 3.(d)** G.S. 55B-14(c)(4) reads as rewritten:

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

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

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

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

- a. The intervention must be necessary to (i) increase appropriate or adaptive behaviors, (ii) decrease maladaptive behaviors, or (iii) develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual.
- b. The treatment must be ordered by a licensed physician or licensed psychologist and the treatment must be provided or supervised by one 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 3.(f)** G.S. 58-50-30(b)(12) reads as rewritten:

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

4           **SECTION 3.(g)** G.S. 90-21.41(2) reads as rewritten:

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

14          **SECTION 3.(h)** G.S. 90-270.48A(a) reads as rewritten:

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

27          **SECTION 3.(i)** G.S. 122C-263.1(a) reads as rewritten:

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

35               (1) The Secretary has received a request:

- 36                   a. To certify a licensed clinical social worker, a master's or higher level  
37                   degree nurse practitioner, a licensed ~~professional~~clinical mental  
38                   health counsellor, or a physician's assistant to conduct the first  
39                   examinations described in G.S. 122C-263(c) and G.S. 122C-283(c).  
40                   b. To certify a master's level licensed clinical addictions specialist to  
41                   conduct the first examination described in G.S. 122C-283(c).

42               ...

43               (4) A certification granted by the Secretary under this section shall be in effect  
44               for a period of up to three years and may be rescinded at any time within this  
45               period if the Secretary finds the certified individual has failed to meet the  
46               requirements of this section. Certification may be renewed every three years  
47               upon completion of a refresher training program approved by the Department.

48               (5) In no event shall the certification of a licensed clinical social worker, master's  
49               or higher level degree nurse practitioner, licensed ~~professional~~clinical mental  
50               health counsellor, physician assistant, or master's level certified clinical  
51               addictions specialist under this section be construed as authorization to expand

1 the scope of practice of the licensed clinical social worker, the master's level  
 2 nurse practitioner, licensed ~~professional~~clinical mental health counsellor,  
 3 physician assistant, or the master's level certified clinical addictions specialist.

4 ...."

5 **SECTION 3.(j)** G.S. 143B-957 reads as rewritten:

6 "**§ 143B-957. Criminal record checks of applicants for licensure as ~~professional~~  
 7 counselors, clinical mental health counselors.**

8 The Department of Public Safety may provide to the North Carolina Board of Licensed  
 9 ~~Professional-Clinical Mental Health~~ Counselors from the State and National Repositories of  
 10 Criminal Histories the criminal history of any applicant for licensure or reinstatement of a license  
 11 or licensee under Article 24 of Chapter 90 of the General Statutes. Along with the request, the  
 12 Board shall provide to the Department of Public Safety the fingerprints of the applicant or  
 13 licensee, a form signed by the applicant or licensee consenting to the criminal record check and  
 14 use of fingerprints and other identifying information required by the State and National  
 15 Repositories, and any additional information required by the Department of Public Safety. The  
 16 applicant or licensee's fingerprints shall be forwarded to the State Bureau of Investigation for a  
 17 search of the State's criminal history record file, and the State Bureau of Investigation shall  
 18 forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history  
 19 record check. The Board shall keep all information obtained pursuant to this section confidential.  
 20 The Department of Public Safety may charge a fee to offset the cost incurred by it to conduct a  
 21 criminal record check under this section. The fee shall not exceed the actual cost of locating,  
 22 editing, researching, and retrieving the information."

23 **SECTION 3.(k)** The Codifier of Rules shall make any conforming rule changes  
 24 necessary to reflect the name changes made by this act.

25 **SECTION 3.(l)** This section becomes effective January 1, 2020.

26  
 27 **PART II-C. INDEPENDENT STUDY DEFINITION CHANGES**

28 **SECTION 4.(a)** G.S. 90-113.31A reads as rewritten:

29 "**§ 90-113.31A. Definitions.**

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

31 ...

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

38 ...

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

43 **SECTION 4.(b)** This section becomes effective October 1, 2019.

44  
 45 **PART II-D. SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD**  
 46 **RESTRUCTURE**

47 **SECTION 5.(a)** G.S. 90-113.32(a) reads as rewritten:

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

50 **SECTION 5.(b)** G.S. 90-113.32(c) is repealed.

51 **SECTION 5.(c)** G.S. 90-113.32(c1) reads as rewritten:

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

5 **SECTION 5.(d)** G.S. 90-113.32 is amended by adding a new subsection to read:

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

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

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

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

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

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

28 (4) All members of the Board shall be residents of the State of North Carolina,  
29 and except for the public members, shall be certified or licensed by the Board  
30 under the provisions of this Article. Professional members of the Board must  
31 be actively engaged in the practice of substance use disorder counseling or  
32 prevention or in the education and training of students in substance use  
33 disorder counseling and have been for at least three years prior to their  
34 appointment to the Board. Practice during the two years preceding the  
35 appointment shall have occurred primarily in this State."

36 **SECTION 5.(e)** G.S. 90-113.32(d) is repealed.

37 **SECTION 5.(f)** G.S. 90-113.32(e) reads as rewritten:

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

44 **SECTION 5.(g)** G.S. 113.32 is amended by adding a new subsection to read:

45 "(e1) Initial members of the Board shall serve staggered terms. The members identified in  
46 subdivision (1) of subsection (c2) of this section shall be appointed initially for a term of one  
47 year. The members identified in subdivision (2) of subsection (c2) of this section shall be  
48 appointed initially for a term of two years. The members identified in subdivision (3) of  
49 subsection (c2) of this section shall be appointed initially for a term of three years.

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

4 **SECTION 5.(h)** G.S. 113.32 is amended by adding a new subsection to read:

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

14 **SECTION 5.(i)** This section becomes effective July 1, 2020.

15  
16 **PART II-E. INCREASE IN NUMBER OF BOARD-APPROVED EDUCATION HOURS**  
17 **REQUIRED FOR CERTIFICATION AS A SUBSTANCE ABUSE COUNSELOR,**  
18 **SUBSTANCE ABUSE PREVENTION CONSULTANT, OR CRIMINAL JUSTICE**  
19 **ADDICTIONS SPECIALIST, AND TERMINOLOGY MODIFICATION**

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

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

27 **SECTION 6.(b)** G.S. 90-113.40(d1)(1) reads as rewritten:

28 "(1) Has attained ~~270~~300 hours of Board-approved education or training, unless  
29 the applicant has attained a minimum of a masters degree with a clinical  
30 application and a substance ~~abuse-use disorder~~ specialty from a regionally  
31 accredited college or university whereby the applicant must only obtain 180  
32 hours. The hours of education shall be specifically related to the knowledge  
33 and skills necessary to perform the tasks within the International Certification  
34 and Reciprocity Consortium/Alcohol and Other Drug Abuse, Incorporated,  
35 "IC&RC/AODA, Inc.," criminal justice addictions professional performance  
36 domains as they relate to both adults and juveniles. Independent study may  
37 compose up to fifty percent (50%) of the total number of hours obtained for  
38 initial certification or renewal."

39 **SECTION 6.(c)** This section becomes effective October 1, 2019, and applies to  
40 applications for licenses submitted on or after that date.

41  
42 **PART II-F. ESTABLISHMENT OF PROGRAM FOR IMPAIRED SUBSTANCE ABUSE**  
43 **PROFESSIONALS**

44 **SECTION 7.(a)** Article 5C of Chapter 90 of the General Statutes is amended by  
45 adding a new section to read:

46 **"§ 90-113.48. Program for impaired substance use disorder professionals.**

47 (a) There is created the North Carolina Impaired Professionals Program. The Board may  
48 provide funds for the administration of the Program, but the Program shall operate independently  
49 of the Board. The purpose of the Program is to provide screening, referral, monitoring,  
50 educational, and support services for professionals credentialed pursuant to this Article for

1 treatment and rehabilitation of an impairment attributed to a physical or mental illness, a  
2 substance use disorder, or professional sexual misconduct.

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

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

10 (1) Enrollment of credentialed professionals referred to the Program by the Board.

11 (2) Assessment, referral, monitoring, support, and education of credentialed  
12 professionals referred to the Program by reason of a physical or mental illness,  
13 a substance use disorder, or professional sexual misconduct.

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

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

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

20 (6) Maintaining the confidentiality of nonpublic information.

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

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

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

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

29 (4) Is still unsafe to practice as a substance use disorder professional after  
30 completing Program services.

31 (e) All documents, papers, letters, recordings, electronic records, or other documentary  
32 materials in the possession of the Program or its staff, employees, legal counsel, and volunteers,  
33 relating in any way to a member's participation or prospective participation in the Program,  
34 including, but not limited to, any medical, counseling, substance abuse, or mental health records,  
35 shall not be considered public records within the meaning of Chapter 132 of the General Statutes.  
36 No person participating in good faith in the Program shall be required in a civil action or  
37 proceeding to disclose the fact of participation in the Program or disclose any information  
38 acquired or opinions, recommendations, or evaluations acquired or developed solely in the course  
39 of participating in the Program pursuant to this section. For purposes of this subsection, "civil  
40 action or proceeding" does not include an administrative action or proceeding conducted under  
41 this Article or under Chapter 150B of the General Statutes.

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

44 (g) Upon the written request of a professional credentialed pursuant to this Article, the  
45 Program shall provide the credentialed professional and his or her legal counsel with a copy of a  
46 written assessment of the credentialed professional prepared as part of his or her participation in  
47 the Program. In addition, to the extent permitted by State and federal laws, the credentialed  
48 professional shall be entitled to a copy of any written assessment created by a treatment provider  
49 or facility at the recommendation of the Program. Any information the Program furnishes to a  
50 credentialed professional pursuant to this subsection shall be inadmissible in evidence and shall  
51 not be subject to discovery in any civil action or proceeding; provided, however, that this

1 subsection shall not be construed to make information, documents, or records otherwise available  
 2 for discovery or use in a civil action or proceeding immune from discovery or use in the civil  
 3 action or proceeding merely because the information, documents, or records were included as  
 4 part of the Program's assessment of the credentialed professional or were the subject of  
 5 information furnished to the credentialed professional pursuant to this subsection. For purposes  
 6 of this subsection, "civil action or proceeding" does not include an administrative action or  
 7 proceeding conducted under this Article or Chapter 150B of the General Statutes.

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

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

12 (2) Guidelines for Program elements.

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

14 (4) Procedures for intervention and referral.

15 (5) Arrangements for monitoring treatment, rehabilitation, posttreatment support,  
 16 and performance.

17 (6) Reports of individual cases to the Board.

18 (7) Periodic reporting of statistical information.

19 (8) Assurance of confidentiality of nonpublic information."

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

## 22 23 **PART II-G. TECHNICAL CHANGES TO THE CERTIFIED SUBSTANCE USE** 24 **DISORDER PROFESSIONAL PRACTICE ACT**

25 **SECTION 8.(a)** The title of Article 5C of Chapter 90 of the General Statutes reads  
 26 as rewritten:

27 "Article 5C.

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

29 **SECTION 8.(b)** G.S. 90-113.30 reads as rewritten:

### 30 **"§ 90-113.30. Declaration of purpose.**

31 The North Carolina ~~Substance Abuse~~-Addictions Specialist Professional Practice Board,  
 32 established by G.S. 90-113.32, is recognized as the registering, certifying, and licensing authority  
 33 for substance ~~abuse-use disorder~~ professionals described in this Article in order to safeguard the  
 34 public health, safety, and welfare, to protect the public from being harmed by unqualified  
 35 persons, to assure the highest degree of professional care and conduct on the part of credentialed  
 36 substance ~~abuse-use disorder~~ professionals, to provide for the establishment of standards for the  
 37 education of credentialed substance ~~abuse-use disorder~~ professionals, and to ensure the  
 38 availability of credentialed substance ~~abuse-use disorder~~ professional services of high quality to  
 39 persons in need of these services. It is the purpose of this Article to provide for the regulation of  
 40 Board-credentialed persons offering substance ~~abuse-use disorder~~ counseling services, substance  
 41 ~~abuse-use disorder~~ prevention services, or any other substance ~~abuse-use disorder~~ services for  
 42 which the Board may grant registration, certification, or licensure."

43 **SECTION 8.(c)** G.S. 90-113.31A reads as rewritten:

### 44 **"§ 90-113.31A. Definitions.**

45 The following definitions shall apply in this Article:

46 (1) Applicant. – A person who has initiated a process to become a substance ~~abuse~~  
 47 use disorder professional pursuant to this Article.

48 (2) Applicant supervisor. – A person who provides supervision as required by the  
 49 Board to persons applying for registration, certification, or licensure as a  
 50 substance ~~abuse-use disorder~~ professional pursuant to this Article.

- 1 (3) Board. – The North Carolina ~~Substance Abuse Addictions Specialist~~  
2 Professional Practice Board.  
3 ...
- 4 (5) Certified criminal justice addictions professional. – A person certified by the  
5 Board to practice as a criminal justice addictions professional who, under  
6 supervision, provides direct services to clients or offenders exhibiting  
7 substance ~~abuse-use~~ disorders and works in a program determined by the  
8 Board to be involved in a criminal justice setting.
- 9 (6) Certified ~~substance abuse alcohol and drug~~ counselor. – A person certified by  
10 the Board to practice under the supervision of a practice supervisor as a  
11 ~~substance abuse alcohol and drug~~ counselor in accordance with the provisions  
12 of this Article.
- 13 (7) Certified ~~substance abuse prevention consultant specialist~~. – A person  
14 certified by the Board to practice substance ~~abuse-use disorder~~ prevention in  
15 accordance with the provisions of this Article.  
16 ...
- 17 (14) Criminal history. – A history of conviction of a State crime, whether a  
18 misdemeanor or felony, that bears on an applicant's fitness for licensure to  
19 practice substance ~~abuse-use disorder~~ professional services. The crimes  
20 include the criminal offenses set forth in any of the following Articles of  
21 Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing  
22 Monetary Substitutes; Article 5A, Endangering Executive and Legislative  
23 Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses;  
24 Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13,  
25 Malicious Injury or Damage by Use of Explosive or Incendiary Device or  
26 Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson  
27 and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,  
28 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,  
29 Obtaining Property or Services by False or Fraudulent Use of Credit Device  
30 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article  
31 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality  
32 and Decency; Article 26A, Adult Establishments; Article 27, Prostitution;  
33 Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public  
34 Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots,  
35 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article  
36 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,  
37 Computer-Related Crime. The crimes also include possession or sale of drugs  
38 in violation of the North Carolina Controlled Substances Act in Article 5 of  
39 Chapter 90 of the General Statutes and alcohol-related offenses including sale  
40 to underage persons in violation of G.S. 18B-302 or driving while impaired in  
41 violation of G.S. 20-138.1 through G.S. 20-138.5.  
42 ...
- 43 (16) Dual relationship. – A relationship in addition to the professional relationship  
44 with a person to whom the substance ~~abuse-use disorder~~ professional delivers  
45 services in the Twelve Core Functions or the performance domains, both as  
46 defined in rules adopted by the Board, or as provided in a supervisory  
47 capacity. These relationships may result in grounds for disciplinary action.  
48 ...
- 49 (20) Practice supervisor. – A certified clinical supervisor, clinical supervisor  
50 intern, or licensed clinical addictions specialist who provides oversight and



- 1 responsibility in a face-to-face capacity for each certified ~~substance abuse~~  
 2 alcohol and drug counselor or criminal justice addictions professional.  
 3 (21) Prevention. – The reduction, delay, or avoidance of alcohol and of other drug  
 4 use behavior. "~~Prevention~~" "Prevention" includes the promotion of positive  
 5 environments and individual strengths that contribute to personal health and  
 6 well-being over an entire life and the development of strategies that encourage  
 7 individuals, families, and communities to take part in assessing and changing  
 8 their lifestyles and environments.  
 9 ...  
 10 (24) Substance ~~abuse-use disorder~~ counseling. – The assessment, evaluation, and  
 11 provision of counseling and therapeutic service to persons suffering from  
 12 substance ~~abuse-use disorder~~ or dependency.  
 13 (25) ~~Substance abuse~~ Alcohol and drug counselor intern. – A registrant who  
 14 successfully completes 300 hours of Board-approved supervised practical  
 15 training in pursuit of credentialing as a ~~substance abuse~~ alcohol and drug  
 16 counselor.  
 17 (26) Substance ~~abuse-use disorder~~ professional. – A registrant, certified ~~substance~~  
 18 ~~abuse~~ alcohol and drug counselor, ~~substance abuse~~ alcohol and drug counselor  
 19 intern, certified ~~substance abuse~~ prevention consultant, specialist, certified  
 20 clinical supervisor, licensed clinical addictions specialist associate, licensed  
 21 clinical addictions specialist, certified substance abuse residential facility  
 22 director, clinical supervisor intern, or certified criminal justice addictions  
 23 professional."

24 **SECTION 8.(d)** G.S. 90-113.31B reads as rewritten:

25 **"§ 90-113.31B. Scope of practice.**

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

- 33 (1) The practice of a certified ~~substance abuse~~ alcohol and drug counselor consists  
 34 of the Twelve Core Functions, including screening, intake, orientation,  
 35 assessment, treatment planning, counseling, case management, crisis  
 36 intervention, client education, report and record keeping, consultation with  
 37 other professionals in regard to client treatment and services, and referral to  
 38 treat addictive disorder or disease and help prevent relapse.  
 39 (2) The practice of a certified ~~substance abuse~~ prevention consultant specialist is  
 40 based on knowledge in the performance domains to prevent or reduce the  
 41 conditions that place individuals at increased risk of developing addictive  
 42 disorder or disease and help prevent relapse.  
 43 (3) The practice of a certified clinical supervisor is based on knowledge in the  
 44 performance domains to supervise substance ~~abuse-use disorder~~ professionals  
 45 who work to treat, prevent, or reduce the conditions that place individuals at  
 46 risk of developing addictive disorder or disease and help prevent relapse.

47 ...."

48 **SECTION 8.(e)** G.S. 90-113.33(9) reads as rewritten:

- 49 "(9) Adopt any rules necessary to carry out the purpose of this Article and its duties  
 50 and responsibilities pursuant to this Article, including rules related to the

1 approval of a substance ~~abuse~~-use disorder specialty curricula developed by a  
2 school, college, or university."

3 **SECTION 8.(f)** G.S. 90-113.34 reads as rewritten:

4 "**§ 90-113.34. Records to be kept; copies of records.**

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

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

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

31 **SECTION 8.(g)** G.S. 90-113.37A(b) reads as rewritten:

32 "(b) Renewal of licensure is subject to completion of at least 40 hours of the continuing  
33 education requirements established by the Board. Renewal of ~~substance abuse alcohol and drug~~  
34 ~~counselor or substance abuse prevention consultant specialist~~ certification is subject to  
35 completion of at least 60 hours of the continuing education requirements established by the  
36 Board. A certified ~~substance abuse alcohol and drug~~ counselor shall submit a Board-approved  
37 supervision contract signed by the applicant and a practice supervisor documenting ongoing  
38 supervision at a ratio of one hour of supervision to every 40 hours of practice after certification  
39 is granted by the Board on a form provided by the Board. Any person certified by the Board as a  
40 certified alcoholism counselor or certified ~~drug abuse alcohol and drug~~ counselor shall become  
41 a certified ~~substance abuse alcohol and drug~~ counselor.

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

51 **SECTION 8.(h)** G.S. 90-113.38 reads as rewritten:

1 **"§ 90-113.38. Maximums for certain fees.**

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

7 ...

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

12 **SECTION 8.(i)** G.S. 90-113.40 reads as rewritten:

13 **"§ 90-113.40. Requirements for certification and licensure.**

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

17 ...

18 (8) The applicant for substance ~~abuse~~ use disorder counselor has completed a total  
19 of 6,000 hours of supervised experience in the field, whether paid or volunteer.  
20 The applicant for ~~substance abuse prevention consultant specialist~~ has  
21 completed a total of 6,000 hours supervised experience in the field, whether  
22 paid or volunteer, or 4,000 hours if the applicant has at least a ~~bachelors~~  
23 bachelor's degree in a human services field from a regionally accredited  
24 college or university.

25 ...

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

28 ...

29 (3) Has 4,000 hours experience as a substance ~~abuse~~ use disorder clinical  
30 supervisor as documented by his or her certified clinical supervisor.

31 (4) Has 30 hours of substance ~~abuse~~ use disorder clinical supervision specific  
32 education or training. These hours shall be reflective of the Twelve Core  
33 Functions in the applicant's clinical application and practice and may also be  
34 counted toward the applicant's renewal as a ~~substance abuse~~ an alcohol and  
35 drug counselor or a clinical addictions specialist.

36 ...

37 (c) The Board shall issue a license credentialing an applicant as a "Licensed Clinical  
38 Addictions Specialist" if, in addition to meeting the requirements of subdivisions (a)(1) through  
39 (5a) of this section, the applicant meets one of the following criteria:

40 (1) Criteria A. – The applicant:

41 ...

42 b. Has two years postgraduate supervised substance ~~abuse~~ use disorder  
43 counseling experience.

44 c. Submits three letters of reference from licensed clinical addictions  
45 specialists or certified ~~substance abuse~~ alcohol and drug counselors  
46 who have obtained master's degrees.

47 ...

48 e. Has attained 180 hours of substance ~~abuse~~ use disorder specific  
49 training from either a regionally accredited college or university,  
50 which may include unlimited independent study, or from training  
51 events of which no more than fifty percent (50%) shall be in

- 1 independent study. All hours shall be credited according to the  
 2 standards set forth in G.S. 90-113.41A.  
 3 ...  
 4 (2) Criteria B. – The applicant:  
 5 ...  
 6 e. Submits three letters of reference from either licensed clinical  
 7 addictions specialists or certified ~~substance abuse~~ alcohol and drug  
 8 counselors who have obtained master's degrees.  
 9 (3) Criteria C. – The applicant:  
 10 a. Has a minimum of a master's degree in a human services field with  
 11 both a clinical application and a substance ~~abuse~~ use disorder specialty  
 12 from a regionally accredited college or university that includes 180  
 13 hours of substance ~~abuse~~ use disorder specific education and training  
 14 pursuant to G.S. 90-113.41A.  
 15 b. Has one year of postgraduate supervised substance ~~abuse~~ use disorder  
 16 counseling experience.  
 17 ...  
 18 d. Submits three letters of reference from licensed clinical addictions  
 19 specialists or certified ~~substance abuse~~ alcohol and drug counselors  
 20 who have obtained master's degrees.  
 21 (4) Criteria D. – The applicant has a substance ~~abuse~~ use disorder certification  
 22 from a professional discipline that has been granted deemed status by the  
 23 Board.  
 24 (d) ~~The Board shall issue a certificate certifying an applicant as a "Substance Abuse~~  
 25 ~~Residential Facility Director" if the applicant:~~  
 26 (1) ~~Has been credentialed as a substance abuse counselor or a clinical addictions~~  
 27 ~~specialist.~~  
 28 (2) ~~Has 50 hours of Board approved academic or didactic management specific~~  
 29 ~~training or a combination thereof. Independent study may compose up to fifty~~  
 30 ~~percent (50%) of the total number of hours required for initial credentialing.~~  
 31 (3) ~~Submits letters of reference from the applicant's current supervisor and a~~  
 32 ~~colleague or coworker.~~  
 33 (d1) The Board shall issue a certificate certifying an applicant as a "Certified Criminal  
 34 Justice Addictions Professional", with the acronym "CCJP", if in addition to meeting the  
 35 requirements of subdivisions (a)(1) through (5a) of this section, the applicant:  
 36 ...  
 37 (3) Has provided documentation of supervised work experience providing direct  
 38 service to clients or offenders involved in one of the three branches of the  
 39 criminal justice system, which include law enforcement, the judiciary, and  
 40 corrections. The applicant must meet one of the following criteria:  
 41 ...  
 42 e. Criteria E. – In addition to having at least a masters degree in a human  
 43 services field with a specialty from a regionally accredited college or  
 44 university that includes 180 hours of substance ~~abuse~~ use disorder  
 45 specific education or training, the applicant has a minimum of 2,000  
 46 hours of postgraduate supervised substance ~~abuse~~ use disorder  
 47 counseling experience.  
 48 ...  
 49 (f) Effective January 1, 2003, only a person who is certified as a certified clinical  
 50 supervisor or a clinical supervisor intern shall be qualified to supervise applicants for certified  
 51 clinical supervisor and certified ~~substance abuse~~ alcohol and drug counselor and applicants for

1 licensed clinical addictions specialist who meet the qualifications of their credential other than  
2 through deemed status as provided in G.S. 90-113.40(c)(4)."

3 **SECTION 8.(j)** G.S. 90-113.40B reads as rewritten:

4 **"§ 90-113.40B. Applicant supervision.**

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

7 ...

8 (2) A certified clinical supervisor or a clinical supervisor intern shall supervise a  
9 ~~substance abuse residential facility director applicant~~, a clinical addictions  
10 specialist applicant, or a ~~substance abuse~~-an alcohol and drug counselor  
11 applicant.

12 ...

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

17 ...."

18 **SECTION 8.(k)** G.S. 90-113.41A reads as rewritten:

19 **"§ 90-113.41A. Deemed status.**

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

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

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

31 ...

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

35 ...."

36 **SECTION 8.(l)** G.S. 90-113.42 reads as rewritten:

37 **"§ 90-113.42. Violations; exemptions.**

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

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

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

50 (d) Only individuals registered, certified, or licensed under this Article may use the title  
51 "Certified ~~Substance Abuse Alcohol and Drug Counselor~~", "Certified ~~Substance Abuse~~

1 Prevention ~~Consultant~~, ~~Specialist~~, "Certified Clinical Supervisor", "Licensed Clinical  
2 Addictions Specialist Associate", "Certified Substance Abuse Residential Facility Director",  
3 "Certified Criminal Justice Addictions Professional", "~~Substance Abuse~~ Alcohol and Drug  
4 Counselor Intern", "Provisional Licensed Clinical Addictions Specialist", "Clinical Supervisor  
5 Intern", or "Registrant"."

6 **SECTION 8.(m)** G.S. 90-113.43(a) reads as rewritten:

7 **"§ 90-113.43. Illegal practice; misdemeanor penalty.**

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

- 9 (1) Offer substance ~~abuse~~ use disorder professional services, practice, attempt to  
10 practice, or supervise while holding himself or herself out to be a certified  
11 ~~substance abuse alcohol and drug counselor~~, certified ~~substance abuse~~  
12 ~~prevention consultant, specialist~~, certified clinical supervisor, licensed clinical  
13 addictions specialist, licensed clinical addictions specialist associate, certified  
14 substance abuse residential facility director, certified criminal justice  
15 addictions professional, clinical supervisor intern, ~~substance abuse alcohol~~  
16 and drug counselor intern, or registrant without first having obtained a  
17 notification of registration, certification, or licensure from the Board.
- 18 (2) Use in connection with any name any letters, words, numerical codes, or  
19 insignia indicating or implying that this person is a registrant, certified  
20 ~~substance abuse alcohol and drug counselor~~, certified ~~substance abuse~~  
21 ~~prevention consultant, specialist~~, certified clinical supervisor, licensed clinical  
22 addictions specialist, certified substance abuse residential facility director,  
23 ~~substance abuse alcohol and drug counselor intern~~, certified criminal justice  
24 addictions professional, or licensed clinical addictions specialist associate,  
25 unless this person is registered, certified, or licensed pursuant to this Article.
- 26 (3) Practice or attempt to practice as a certified ~~substance abuse alcohol and drug~~  
27 ~~counselor~~, certified ~~substance abuse prevention consultant, specialist~~, certified  
28 clinical supervisor, licensed clinical addictions specialist, certified criminal  
29 justice addictions professional, ~~substance abuse alcohol and drug counselor~~  
30 intern, licensed clinical addictions specialist associate, clinical supervisor  
31 intern, certified substance abuse residential facility director or registrant with  
32 a revoked, lapsed, or suspended certification or license.
- 33 (4) Aid, abet, or assist any person to practice as a certified ~~substance abuse alcohol~~  
34 and drug counselor, certified ~~substance abuse prevention consultant,~~  
35 ~~specialist~~, certified criminal justice addictions professional, certified clinical  
36 supervisor, licensed clinical addictions specialist, certified substance abuse  
37 residential facility director, registrant, ~~substance abuse alcohol and drug~~  
38 counselor intern, licensed clinical addictions specialist associate, or clinical  
39 supervisor intern in violation of this Article.
- 40 (5) Knowingly serve in a position required by State law or rule or federal law or  
41 regulation to be filled by a registrant, certified ~~substance abuse alcohol and~~  
42 drug counselor, certified ~~substance abuse prevention consultant, specialist,~~  
43 certified criminal justice addictions professional, certified clinical supervisor,  
44 licensed clinical addictions specialist, certified substance abuse residential  
45 facility director, ~~substance abuse alcohol and drug counselor intern~~, licensed  
46 clinical addictions specialist associate, or clinical supervisor intern unless that  
47 person is registered, certified, or licensed under this Article.

48 ...."

49 **SECTION 8.(n)** G.S. 90-113.44 reads as rewritten:

50 **"§ 90-113.44. Grounds for disciplinary action.**

51 (a) Grounds for disciplinary action for an applicant or credentialed professional include:

- 1 (1) The employment of fraud, deceit, or misrepresentation in obtaining or  
 2 attempting to obtain licensure, certification, or registration or renewal of  
 3 licensure, certification, or registration.  
 4 (2) The use of drugs or alcoholic beverages to the extent that professional  
 5 competency is affected.  
 6 (2a) The use of drugs or alcoholic beverages to the extent that a substance ~~abuse~~  
 7 use disorder professional suffers impairment.  
 8 (3) Conviction of an offense under any municipal, State, or federal law other than  
 9 traffic laws as prescribed by Chapter 20 of the General Statutes.  
 10 (4) Conviction of a felony or other public offense involving moral turpitude.  
 11 Conviction of a Class A-E felony shall result in an immediate suspension of  
 12 licensure, certification, or registration for a minimum of one year.  
 13 (5) An adjudication of insanity or incompetency, until proof of recovery from this  
 14 condition can be established by a licensed psychologist or psychiatrist.  
 15 (6) Engaging in any act or practice in violation of any of the provisions of this  
 16 Article or any of the rules adopted pursuant to it, or aiding, abetting, or  
 17 assisting any other person in such a violation.  
 18 (7) The commission of an act of malpractice, gross negligence, or incompetence  
 19 while serving as a substance ~~abuse~~use disorder professional, intern, or  
 20 registrant.  
 21 (8) Repealed by Session Laws 2005-431, s. 1, effective September 22, 2005.  
 22 (9) Engaging in conduct that could result in harm or injury to the public.  
 23 (10) Entering into a dual relationship that impairs professional judgment or  
 24 increases the risk of exploitation with a client or supervisee.  
 25 (11) Practicing as a credentialed substance ~~abuse~~use disorder professional outside  
 26 of his or her scope of practice pursuant to G.S. 90-113.31B.  
 27 (b) Denial of an applicant's licensure, certification, or registration or the granting of  
 28 licensure, certification, or registration on a probationary or other conditional status shall be  
 29 subject to substantially the same rules and procedures prescribed by the Board for review and  
 30 disciplinary actions against any person holding a license, certificate, or registration. A suspension  
 31 of a credential resulting from impairment due to substance use, mental health, or medical disorder  
 32 shall be imposed for at least six months beginning from the date of successful discharge from a  
 33 residential substance ~~abuse~~use disorder treatment program or other appropriate treatment  
 34 modality determined as a result of an assessment by a Board-approved assessor. Disciplinary  
 35 actions involving a clinical addictions specialist whose licensure is achieved through deemed  
 36 status shall be initially heard by the specialist's credentialing body. The specialist may appeal the  
 37 body's decision to the Board. The Board shall, however, have the discretionary authority to hear  
 38 the initial disciplinary action involving a credentialed professional."

39 **SECTION 8.(o)** G.S. 90-113.46 reads as rewritten:

40 "**§ 90-113.46. Application of requirements of Article.**

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

45 **SECTION 8.(p)** This section becomes effective October 1, 2019, and applies to  
 46 licenses granted or renewed on or after that date.

47  
 48 **PART II-H. DISCONTINUE CERTIFIED SUBSTANCE ABUSE RESIDENTIAL**  
 49 **FACILITY DIRECTOR CREDENTIALING**

1           **SECTION 9.(a)** The certified substance abuse residential facility director credential  
2 is discontinued. The North Carolina Substance Abuse Professional Practice Board shall no longer  
3 issue or renew a certified substance abuse residential facility director credential to any person.

4           **SECTION 9.(b)** G.S. 90-113.31A(8) is repealed.

5           **SECTION 9.(c)** G.S. 90-113.31A(26), as amended by Section 8 of this act, reads as  
6 rewritten:

7           "(26) Substance use disorder professional. – A registrant, certified alcohol and drug  
8 counselor, alcohol and drug counselor intern, certified prevention specialist,  
9 certified clinical supervisor, licensed clinical addictions specialist associate,  
10 licensed clinical addictions specialist, ~~certified substance abuse residential~~  
11 ~~facility director~~, clinical supervisor intern, or certified criminal justice  
12 addictions professional."

13           **SECTION 9.(d)** G.S. 90-113.31B(5) is repealed.

14           **SECTION 9.(e)** G.S. 90-113.38(a), as amended by Section 8 of this act, reads as  
15 rewritten:

16           "**§ 90-113.38. Maximums for certain fees.**

17           (a) The fee to obtain a certificate of certification as an alcohol and drug counselor,  
18 prevention specialist, clinical supervisor, ~~substance abuse residential facility director~~, or certified  
19 criminal justice addictions professional may not exceed four hundred seventy-five dollars  
20 (\$475.00). The fee to renew a certificate may not exceed one hundred fifty dollars (\$150.00)."

21           **SECTION 9.(f)** G.S. 90-113.42(d), as amended by Section 8 of this act, reads as  
22 rewritten:

23           "(d) Only individuals registered, certified, or licensed under this Article may use the title  
24 "Certified Alcohol and Drug Counselor", "Certified Prevention Specialist", "Certified Clinical  
25 Supervisor", "Licensed Clinical Addictions Specialist Associate", "~~Certified Substance Abuse~~  
26 ~~Residential Facility Director~~", "Certified Criminal Justice Addictions Professional", "Alcohol  
27 and Drug Counselor Intern", "Provisional Licensed Clinical Addictions Specialist", "Clinical  
28 Supervisor Intern", or "Registrant"."

29           **SECTION 9.(g)** G.S. 90-113.43(a), as amended by Section 8(m) of this act, reads as  
30 rewritten:

31           "**§ 90-113.43. Illegal practice; misdemeanor penalty.**

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

33           (1) Offer substance use disorder professional services, practice, attempt to  
34 practice, or supervise while holding himself or herself out to be a certified  
35 alcohol and drug counselor, certified prevention specialist, certified clinical  
36 supervisor, licensed clinical addictions specialist, licensed clinical addictions  
37 specialist associate, ~~certified substance abuse residential facility director~~,  
38 certified criminal justice addictions professional, clinical supervisor intern,  
39 alcohol and drug counselor intern, or registrant without first having obtained  
40 a notification of registration, certification, or licensure from the Board.

41           (2) Use in connection with any name any letters, words, numerical codes, or  
42 insignia indicating or implying that this person is a registrant, certified alcohol  
43 and drug counselor, certified prevention specialist, certified clinical  
44 supervisor, licensed clinical addictions specialist, ~~certified substance abuse~~  
45 ~~residential facility director~~, ~~substance abuse~~ alcohol and drug counselor intern,  
46 certified criminal justice addictions professional, or licensed clinical  
47 addictions specialist associate, unless this person is registered, certified, or  
48 licensed pursuant to this Article.

49           (3) Practice or attempt to practice as a certified alcohol and drug counselor,  
50 certified prevention specialist, certified clinical supervisor, licensed clinical  
51 addictions specialist, certified criminal justice addictions professional, alcohol



1 and drug counselor intern, licensed clinical addictions specialist associate,  
 2 clinical supervisor intern, ~~certified substance abuse residential facility director~~  
 3 or registrant with a revoked, lapsed, or suspended certification or license.

4 (4) Aid, abet, or assist any person to practice as a certified alcohol and drug  
 5 counselor, certified prevention specialist, certified criminal justice addictions  
 6 professional, certified clinical supervisor, licensed clinical addictions  
 7 specialist, ~~certified substance abuse residential facility director~~, registrant,  
 8 alcohol and drug counselor intern, licensed clinical addictions specialist  
 9 associate, or clinical supervisor intern in violation of this Article.

10 (5) Knowingly serve in a position required by State law or rule or federal law or  
 11 regulation to be filled by a registrant, certified alcohol and drug counselor,  
 12 certified prevention specialist, certified criminal justice addictions  
 13 professional, certified clinical supervisor, licensed clinical addictions  
 14 specialist, ~~certified substance abuse residential facility director~~, alcohol and  
 15 drug counselor intern, licensed clinical addictions specialist associate, or  
 16 clinical supervisor intern unless that person is registered, certified, or licensed  
 17 under this Article.

18 ...."

19 **SECTION 9.(h)** Subsection (a) of this section is effective when it becomes law. The  
 20 remaining subsections of this section become effective upon the expiration of the last certified  
 21 substance abuse residential facility director credential issued prior to the effective date of this act  
 22 by the North Carolina Substance Abuse Professional Practice Board. The North Carolina  
 23 Substance Abuse Professional Practice Board shall notify the Revisor of Statutes when the last  
 24 credential issued by the Board has expired.

25  
 26 **PART II-I. AMEND SOCIAL WORKER PRACTICE ACT**

27 **SECTION 10.(a)** Chapter 90B of the General Statutes reads as rewritten:

28 **"Chapter 90B.**

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

30 "...

31 **"§ 90B-2. Purpose.**

32 Since the profession of social work significantly affects the lives of the people of this State,  
 33 it is the purpose of this Chapter to protect the public by setting standards for qualification,  
 34 training, and experience for those who seek to represent themselves to the public as certified  
 35 social workers or licensed clinical social workers and by promoting high standards of  
 36 professional performance for those engaged in the practice of social work.

37 **"§ 90B-3. Definitions.**

38 The following definitions apply in this Chapter:

39 (1) Applicant. – An individual who has made application to the Board for the  
 40 issuance, renewal, or reinstatement of any credential which the Board is  
 41 authorized by law to issue.

42 ~~(1)~~(1a) Board. – The North Carolina Social Work Certification and Licensure Board.

43 (2) Repealed by Session Laws 2013-410, s. 8, effective August 23, 2013.

44 (3) ~~Certified Master Social Worker.~~ master social worker. – A person who is  
 45 certified under this Chapter to practice social work as a master social worker  
 46 and is engaged in the practice of social work.

47 (4) ~~Certified Social Work Manager.~~ social work manager. – A person who is  
 48 certified under this Chapter to practice social work as a social work manager  
 49 and is engaged in the practice of social work.

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

41 **"§ 90B-4. Prohibitions.**

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

49 (b) After January 1, 1992, except as otherwise provided in this Chapter, it is unlawful to  
 50 engage in or offer to engage in the practice of clinical social work without first being licensed  
 51 under this Chapter as a clinical social worker. A person who, pursuant to G.S. 90B-8(b), resides

1 and practices clinical social work in this State for a period of not more than five days in any  
 2 calendar year while credentialed in another state or jurisdiction, shall clearly amend reference to  
 3 his or her credential identifying the state or jurisdiction in which the credential is held.

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

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

18 **~~"§ 90B-5. North Carolina Social Work Certification and Licensure Board; Board~~**  
 19 **~~appointments; terms; composition.~~**

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

- 23 (1) ~~At least two members one member of the Board shall be Certified Social~~  
 24 ~~Workers or Certified Master Social Workers, three a certified social worker,~~  
 25 ~~a certified master social worker, or a certified social work manager, four~~  
 26 ~~members shall be Licensed Clinical Social Workers, licensed clinical social~~  
 27 ~~workers, and two members shall be appointed from the public at large.~~  
 28 ~~Composition of the Board as to the race and sex of its members shall reflect~~  
 29 ~~the composition of the population of the State of North Carolina.~~

30 ...

31 **"§ 90B-6. Functions and duties of the Board.**

32 ...

33 (g) The Board shall have the power to establish or approve study or training courses and  
 34 to establish reasonable standards for certification, licensure, and renewal of certification and  
 35 licensure, including the power to adopt or use examination materials and accreditation standards  
 36 of the Council on Social Work Education or other recognized accrediting agency and the power  
 37 to establish reasonable standards for continuing social work education; ~~provided that education,~~  
 38 ~~except that the Board shall not require an examination for certificate and license renewal no~~  
 39 ~~examination shall be required; provided further, that of a certificate or license, and the Board~~  
 40 ~~shall not have the power to withhold approval of social work study or training courses offered by~~  
 41 ~~a college or university having a social work program approved by the Council on Social Work~~  
 42 ~~Education.~~

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

46 (i) The Board may order that any records concerning the practice of social work and  
 47 relevant to a complaint received by the Board or an inquiry or investigation conducted by or on  
 48 behalf of the Board shall be produced by the custodian of the records to the Board or for  
 49 inspection and copying by representatives of or counsel to the Board. A social worker licensed  
 50 by the Board or an agency employing a social worker licensed by the Board shall maintain  
 51 records for ~~a minimum of three~~ the longer of (i) 10 years from the date the social worker

1 terminates services to the client and the client services record is ~~closed~~, closed or (ii) the record  
2 retention period mandated by a third-party payee. A social worker certified or licensed by the  
3 Board shall cooperate fully and in a timely manner with the Board and its designated  
4 representatives in an inquiry or investigation of the records conducted by or on behalf of the  
5 Board.

6 ...

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

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

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

13 (1) Has a bachelors degree in ~~a social work program~~ from a college or university  
14 having a social work program ~~accredited~~ approved, accredited, or admitted to  
15 candidacy for accreditation by the Council on Social Work Education for  
16 undergraduate curricula.

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

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

21 (1) Has a masters or doctoral degree in ~~a social work program~~ from a college or  
22 university having a social work program ~~approved~~ approved, accredited, or  
23 admitted to candidacy for accreditation by the Council on Social Work  
24 Education.

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

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

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

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

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

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

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

44 (2) Shows to the satisfaction of the Board that he or she has had two years of  
45 experience in an administrative setting with appropriate supervision and  
46 training.

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

49 (f) The Board may issue an associate license in clinical social work to a person who has  
50 a masters or doctoral degree in ~~a social work program~~ from a college or university having a social  
51 work program ~~approved~~ approved, accredited, or in candidacy for accreditation by the Council

1 on Social Work Education and who desires to be licensed as a licensed clinical social worker.  
2 The associate license may not be issued for a period exceeding two years and the person issued  
3 the associate license must practice under the supervision of a licensed clinical social worker or a  
4 Board-approved alternate. ~~Notwithstanding G.S. 90B-6(g), an associate licensee shall pass the~~  
5 ~~qualifying clinical examination prescribed by the Board within two years to be eligible for~~  
6 ~~renewal of the associate license.~~ The associate licensee shall complete all requirements for  
7 licensed clinical social worker licensure within three renewal cycles, or a total of six years, unless  
8 otherwise directed by the Board. Associate licensees who fail to satisfy all requirements for  
9 licensed clinical social worker licensure within six years from the date of associate license  
10 issuance may apply for a new associate license. However, the Board shall not issue a subsequent  
11 associate license to an applicant until the applicant has passed the qualifying examination  
12 required by the Board. Supervision and experience hours acquired under an associate license  
13 shall expire six years from the date of initial associate license issuance, and expired supervision  
14 and experience hours shall not apply toward future licensure.

15 **"§ 90B-8. Persons from other jurisdictions.**

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

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

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

36 **"§ 90B-9. Renewal of certificates and licenses.**

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

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

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

11 **"§ 90B-9.1. Nonpracticing status.**

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

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

28 **"§ 90B-10. Exemption from certain requirements.**

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

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

36 (1) Repealed by Session Laws 2007-379, s. 4, effective August 19, 2007.

37 (2) A student completing a clinical requirement for graduation while pursuing a  
38 course of study in social work in an institution accredited by or in candidacy  
39 status with the Council on Social Work Education.

40 (3) Repealed by Session Laws 2007-379, s. 4, effective August 19, 2007.

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

50 **"§ 90B-11. Disciplinary procedures.**

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

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

21 ...

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

32 ...

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

36 **SECTION 10.(b)** This section becomes effective January 1, 2021. Qualifications for  
37 the certificate of Certified Social Work Manager, as amended by this act, apply only to  
38 applications for certification received by the Board on or after January 1, 2021.

### 40 PART III-A. CLARIFICATIONS TO MEDICAID SUBROGATION STATUTE

41 **SECTION 11.(a)** G.S. 108A-57 reads as rewritten:

42 "**§ 108A-57. Subrogation rights; withholding of information a misdemeanor.**

43 (a) As used in this section, the term "beneficiary" means (i) the beneficiary of medical  
44 assistance, including a minor beneficiary, (ii) the medical assistance beneficiary's parent, legal  
45 guardian, or personal representative, (iii) the medical assistance beneficiary's heirs, and (iv) the  
46 administrator or executor of the medical assistance beneficiary's estate.

47 Notwithstanding any other provisions of the law, to the extent of payments under this Part,  
48 the State shall be subrogated to all rights of recovery, contractual or otherwise, of ~~the a~~  
49 ~~beneficiary of this assistance, or of the beneficiary's personal representative, heirs, or the~~  
50 ~~administrator or executor of the estate,~~ against any person. ~~A personal injury or wrongful death~~  
51 Any claim brought by a medical assistance beneficiary against a third party shall include a claim

1 for all medical assistance payments for health care items or services furnished to the medical  
 2 assistance beneficiary as a result of the ~~injury, injury or action,~~ hereinafter referred to as the  
 3 "Medicaid claim." Any ~~personal injury or wrongful death~~ claim brought by a medical assistance  
 4 beneficiary against a third party that does not state the Medicaid claim shall be deemed to include  
 5 the Medicaid claim. If the beneficiary has claims against more than one third party related to the  
 6 same injury, then any amount received in payment of the Medicaid claim related to that injury  
 7 shall reduce the total balance of the Medicaid claim applicable to subsequent recoveries related  
 8 to that injury.

9 ...

10 (a2) A medical assistance beneficiary may dispute the presumptions established in  
 11 subsection (a1) of this section by applying to the court in which the medical assistance  
 12 beneficiary's claim against the third party is pending, or if there is none, then to a court of  
 13 competent ~~jurisdiction,~~ jurisdiction in this State, for a determination of the portion of the  
 14 beneficiary's gross recovery that represents compensation for the Medicaid claim. An application  
 15 under this subsection shall be filed with the court and served on the Department pursuant to the  
 16 Rules of Civil Procedure no later than 30 days after the date that the settlement agreement is  
 17 executed by all parties and, if required, approved by the court, or in cases in which judgment has  
 18 been entered, no later than 30 days after the date of entry of judgment. The court shall hold an  
 19 evidentiary hearing no sooner than ~~30-60~~ days after the date the action was filed. All of the  
 20 following shall apply to the court's determination under this subsection:

- 21 (1) The medical assistance beneficiary has the burden of proving by clear and  
 22 convincing evidence that the portion of the beneficiary's gross recovery that  
 23 represents compensation for the Medicaid claim is less than the portion  
 24 presumed under subsection (a1) of this section.
- 25 (2) The presumption arising under subsection (a1) of this section is not rebutted  
 26 solely by the fact that the medical assistance beneficiary was not able to  
 27 recover the full amount of all claims.
- 28 (3) If the beneficiary meets its burden of rebutting the presumption arising under  
 29 subsection (a1) of this section, then the court shall determine the portion of  
 30 the recovery that represents compensation for the Medicaid claim and shall  
 31 order the beneficiary to pay the amount so determined to the Department in  
 32 accordance with subsection (a5) of this section. In making this determination,  
 33 the court may consider any factors that it deems just and reasonable.
- 34 (4) If the beneficiary fails to rebut the presumption arising under subsection (a1)  
 35 of this section, then the court shall order the beneficiary to pay the amount  
 36 presumed pursuant to subsection (a1) of this section to the Department in  
 37 accordance with subsection (a5) of this section.

38 ...

39 (c) This section applies to the administration of and claims payments ~~made by the~~  
 40 ~~Department of Health and Human Services~~ under the NC Health Choice Program established  
 41 under Part 8 of this Article.

42 (d) As required to ensure compliance with this section, the Department may apply to the  
 43 court in which the medical assistance beneficiary's claim against the third party is pending, or if  
 44 there is none, then to a court of competent jurisdiction in this State for enforcement of this  
 45 section."

46 **SECTION 11.(b)** This section is effective when it becomes law and applies to claims  
 47 brought by medical assistance beneficiaries against third parties on or after that date.

#### 49 **PART III-B. SOCIAL SERVICES REFORM**

50 **SECTION 12.(a)** The lead-in language for Section 3.2(a) of S.L. 2017-41 reads as  
 51 rewritten:



1 "SECTION 3.2.(a) Effective ~~March 1, 2020,~~ July 1, 2020, G.S. 108A-74 reads as rewritten:"

2 SECTION 12.(b) The lead-in language for Section 40(c) of S.L. 2017-102 reads as  
3 rewritten:

4 "~~SECTION 40.(c) If House Bill 630, 2017 Regular Session, becomes law, then, effective~~  
5 ~~March~~ Effective July 1, 2020, G.S. 108A-74, as amended by ~~Sections 3.1(a) and 3.2(a) of that~~  
6 ~~act~~ Section 3.2(a) of S.L. 2017-41, and by Section 40(a) of this act, reads as rewritten:"

7 SECTION 12.(c) Section 40(g) of S.L. 2017-102 reads as rewritten:

8 "~~SECTION 40.(g) If House Bill 630, 2017 Regular Session, becomes law, subsection~~  
9 ~~Subsection~~ (c) of this section becomes effective ~~March 1, 2020,~~ July 1, 2020, subsection (d) of  
10 this section becomes effective March 1, 2019, subsection (f) of this section becomes effective  
11 January 1, 2019, and applies to appeals filed on or after that date, and the remainder of this section  
12 is effective on the date ~~House Bill 630 becomes~~ S.L. 2017-41 became law."

13 SECTION 12.(d) G.S. 108A-74, as amended by Section 40(c) of S.L. 2017-102,  
14 reads as rewritten:

15 "**§ 108A-74. Counties and regional social services departments required to enter into**  
16 **annual written agreement for all social services programs other than medical**  
17 **assistance; local department failure to comply with the written agreement or**  
18 **applicable law; corrective action; State intervention in or control of service**  
19 **delivery.**

20 (a) Notwithstanding any other provision of law to the contrary, the Secretary may take  
21 action in accordance with this section to ensure the delivery of ~~child welfare services~~ social  
22 services programs other than medical assistance in accordance with State laws and applicable  
23 rules. As used in this section, the following definitions shall apply:

24 (1) Board of social services. – The governing body responsible for oversight of  
25 the department of social services, ~~including~~ includes a county social services  
26 board, a regional board of social services, a consolidated human services  
27 board, or a board of county commissioners that has assumed the powers and  
28 duties of a social services governing board pursuant to G.S. 153A-77(a),  
29 whichever applies.

30 (2) Child welfare services or program. – ~~Protective,~~ Child protective services,  
31 foster care, and adoption services related to juveniles alleged to be abused,  
32 neglected, or dependent as required by Chapter 7B of the General Statutes.

33 (3) Department of social services. – The department responsible for  
34 administration of the social services and programs of public assistance in a  
35 county. It includes a county department of social services, a consolidated  
36 human services agency, or a regional social services department, whichever  
37 applies.

38 (4) Director of social services. – The person responsible for managing and  
39 administering the department of social services, including a county social  
40 services director, a regional social services director, or a human services  
41 director, whichever applies.

42 (5) Social services programs other than medical assistance. – Social services and  
43 public assistance programs established in this Chapter other than the medical  
44 assistance program (Chapter 108A, Article 2, Part 6). This includes, but is not  
45 limited to, child welfare programs, adult protective services, guardianship  
46 services for adults, and programs of public assistance established in Chapter  
47 108A. It also includes the child support enforcement program, as established  
48 in Chapter 110, Article 9.

49 (a1) Repealed by Session Laws 2017-41, s. 3.2(a), effective March 1, 2020.

50 (a2) The Secretary shall require all counties and regional social services departments to  
51 enter into a written agreement each year that specifies mandated performance requirements and

1 administrative responsibilities with regard to all social services programs other than medical  
2 assistance, [subject to the following:]

- 3 (1) The mandated performance requirements shall be based upon standardized  
4 metrics utilizing data and outcome measures derived from the Social Services  
5 System Transparency and Wellness Dashboard and other reliable data  
6 sources.
- 7 (2) The administrative responsibilities shall address, at a minimum, staff training,  
8 data submission to the Department, and communication with the Department.
- 9 (3) The written agreement may be standardized or may be tailored to address  
10 issues in specific jurisdictions.
- 11 (4) The written agreement shall authorize the Department to withhold State or  
12 federal funds in the event the department fails to satisfy mandated  
13 performance requirements or comply with the terms of the agreement or  
14 applicable law.

15 (a3) If a department of social services fails to comply with the terms of the written  
16 ~~agreement~~ agreement, the mandated performance measures, or other applicable law for three  
17 consecutive months or for five months within any consecutive 12-month period, period for those  
18 terms or mandated performance measures that are measured less than annually, or fails to comply  
19 for two consecutive 12-month periods for those terms or mandated performance measures that  
20 are measured on an annual basis, the Secretary and the department of social services shall enter  
21 into a joint corrective action plan within 60 working days. The Secretary may also require a  
22 corrective action plan more quickly in urgent circumstances, regardless of whether the  
23 circumstances are directly related to a mandated performance requirement specified in the written  
24 agreement. The board of social services and the county manager shall be notified of any joint  
25 corrective action plan.

26 (a4) The corrective action plan shall include each of the following components:

- 27 (1) The duration of the joint corrective action plan, not to exceed 12 months. If  
28 the Secretary determines that the department of social services has not shown  
29 measurable progress within six months, or at the half-way point if the duration  
30 of the plan is less than 12 months, the Secretary may summarily conclude that  
31 the department of social services has failed to successfully complete the joint  
32 corrective plan and may proceed with steps necessary to temporarily assume  
33 administrative responsibilities of the department of social services. If the  
34 Secretary determines the department of social services has shown measurable  
35 progress within six months, or at the half-way point if the duration of the plan  
36 is less than 12 months, the Secretary may extend the joint corrective action  
37 plan by six months, but in no case shall a joint corrective action plan exceed  
38 18 months.
- 39 (2) The performance requirements for the department of social services that  
40 constitute successful completion of the joint corrective action plan.
- 41 (3) A schedule and plan for providing updates to the ~~social services board~~ of  
42 social services and county manager regarding the department's progress  
43 implementing the corrective action plan.
- 44 (4) An acknowledgement that failure to successfully complete the joint corrective  
45 action plan shall result in temporary assumption of all or part of the  
46 department of social services administration.

47 (b) If the Secretary determines that a department of social services has failed to  
48 successfully complete the joint corrective action plan, then the Secretary shall give the board of  
49 county commissioners, the department of social services, the county manager, and the board of  
50 social services at least 30 days' notice that the Secretary, through the ~~appropriate regional social~~  
51 ~~services office,~~ Division of Social Services, intends to temporarily assume all or part of the

1 department's social services administration in accordance with subsection (c) of this section. In  
2 a regional department of social services, notice shall be provided to boards of county  
3 commissioners and county managers for all counties served by the region.

4 (c) Notwithstanding any provision of law to the contrary, if a department of social  
5 services fails to successfully complete its joint corrective action plan, the Secretary shall direct  
6 the ~~appropriate regional office to, within 30 calendar days,~~ Division of Social Services to  
7 temporarily assume all or part of the department's social services administration ~~upon giving no~~  
8 later than 30 calendar days after providing notice as required by subsection (b) of this section.  
9 During the period the Secretary assumes administration of the social services program, the  
10 following shall occur:

- 11 (1) The Secretary, through the ~~appropriate regional office,~~ Division of Social  
12 Services shall administer all or part of the social services program in a county  
13 or region. Administration by the Secretary may include direct operation by the  
14 Department, including supervision of program staff or contracts for operation,  
15 to the extent permitted by federal law.
- 16 (2) The department of social services shall be divested of administrative authority  
17 for any component of the program the Secretary assumes.
- 18 (3) The director of social services shall be divested of all service delivery powers  
19 conferred upon the director by G.S. 108A-14 and other applicable State law  
20 as it pertains to the programs or services to be assumed. The Secretary may  
21 assign any of the powers and duties of the director of social services to an  
22 employee of the Department or a contractor, as the Secretary deems necessary  
23 and appropriate to continue the provision of services in the county. If the local  
24 director of social services has delegated any authority to staff pursuant to  
25 G.S. 108A-14(b), delegated authority shall remain in effect until the  
26 Secretary, or the Secretary's designee, specifically revokes the delegation.
- 27 (4) The Secretary shall direct and oversee the expenditure of all funding for the  
28 administration of the components of the program assumed by the Secretary.
- 29 (5) The ~~department of social services county~~ shall not withdraw funds previously  
30 obligated or appropriated for program administration and services. The  
31 ~~department of social services county~~ shall continue to pay the county's or  
32 region's nonfederal share for the program services and administration.
- 33 (6) The Secretary shall work with the county and the department of social services  
34 to develop a plan for the department to resume program administration.
- 35 (7) The Secretary shall inform the appropriate board or boards of county  
36 commissioners, the county manager or managers, the director of social  
37 services, and the board of social services of key activities and ongoing  
38 concerns during the temporary assumption of social services program  
39 administration.

40 (c1) Upon the Secretary's determination that the department of social services is able to  
41 meet performance requirements and that program administration responsibilities should be  
42 restored to the department of social services, the Secretary shall notify the board of county  
43 commissioners, the department of social services, the county manager, and the board of social  
44 services that the temporary assumption of program administration will be terminated and the  
45 effective date of the termination. Upon termination, the department of social services shall  
46 resume its full authority to administer the program or programs that were assumed.

47 (d) through (g) Repealed by Session Laws 2017-41, s. 3.2(a), effective March 1, 2020.

48 (h) If the Secretary determines that a county department of social services is not providing  
49 child protective, foster care, or adoption services in accordance with State law and with  
50 applicable rules adopted by the Social Services Commission, or fails to demonstrate reasonable  
51 efforts to do so, and the failure to provide the services poses a substantial threat to the safety and

1 welfare of children in the county who receive or are eligible to receive the services, then the  
2 Secretary, after providing written notification of intent to the chair of the county board of  
3 commissioners, to the chair of the county board of social services, and to the county director of  
4 social services, and after providing them with an opportunity to be heard, shall withhold funding  
5 for the particular service or services in question and shall ensure the provision of these services  
6 through contracts with public or private agencies or by direct operation by the Department of  
7 Health and Human Services.

8 (i) In the event that the Secretary assumes control of service delivery pursuant to  
9 subsection (h) of this section, the county director of social services shall be divested of all service  
10 delivery powers conferred upon the director by G.S. 108A-14 and other applicable State law as  
11 the powers pertain to the services in question. Upon assumption of control of service delivery,  
12 the Secretary may assign any of the powers and duties of the county director of social services to  
13 the Director of the Division of Social Services of the Department of Health and Human Services  
14 or to a contractor as the Secretary deems necessary and appropriate to continue the provision of  
15 the services in the county.

16 (j) In the event the Secretary takes action under this section, the Department of Health  
17 and Human Services shall, in conjunction with the county board of commissioners, the county  
18 board of social services, and the county director of social services, develop and implement a  
19 corrective plan of action. The Department of Health and Human Services shall also keep the chair  
20 of the county board of commissioners, the chair of the county board of social services, and the  
21 county director of social services informed of any ongoing concerns or problems with the  
22 delivery of the services in question.

23 (k) Upon the Secretary taking action pursuant to subsection (h) of this section, county  
24 funding of the services in question shall continue and at no time during the period of time that  
25 the Secretary is taking action shall a county withdraw funds previously obligated or appropriated  
26 for the services. Upon the Secretary's assumption of the control of service delivery, the county  
27 shall also pay the nonfederal share of any additional cost that may be incurred to operate the  
28 services in question at the level necessary to comply fully with State law and Social Services  
29 Commission rules.

30 (l) During the period of time that the Secretary is taking action pursuant to subsection  
31 (h) of this section, the Department of Health and Human Services shall work with the county  
32 board of commissioners, the county board of social services, and the county director of social  
33 services to enable service delivery to be returned to the county if and when the Secretary has  
34 determined that services can be provided by the county in accordance with State law and  
35 applicable rules."

36 **SECTION 12.(e)** Subsection (d) of this section becomes effective July 1, 2020.  
37

### 38 **PART III-C. CHILD SUPPORT ENFORCEMENT PROGRAM COMPLIANCE**

39 **SECTION 13.** G.S. 110-139 reads as rewritten:

40 **"§ 110-139. Location of absent parents.**

41 ...

42 (d) Notwithstanding any other provision of law making this information confidential,  
43 including Chapter 53B of the General Statutes, any utility company, cable television company,  
44 electronic communications or Internet service provider, or financial institution, including federal,  
45 State, commercial, or savings banks, savings and loan associations and cooperative banks, federal  
46 or State chartered credit unions, benefit associations, insurance companies, safe deposit  
47 companies, money market mutual funds, and investment companies doing business in this State  
48 or incorporated under the laws of this State-State, shall provide the Department of Health and  
49 Human Services with the following information upon certification by the Department that the  
50 information is needed to locate a parent for the purpose of collecting child support or to establish  
51 or enforce an order for child support: full name, social security number, address, telephone

1 number, account numbers, and other identifying data for any person who maintains an account  
 2 at the utility company, cable television company, electronic communications or Internet service  
 3 provider, or financial institution. A utility company, cable television company, electronic  
 4 communications or Internet service provider, or financial institution that discloses information  
 5 pursuant to this subsection in good faith reliance upon certification by the Department is not  
 6 liable for damages resulting from the disclosure.

7 ~~(e) Subsection (d) of this section shall not apply to telecommunication utilities or~~  
 8 ~~providers of electronic communication service to the general public.~~

9 ...."

10  
 11 **PART III-D. WORKFORCE INNOVATION AND OPPORTUNITY ACT**  
 12 **COMPLIANCE/VOCATIONAL REHABILITATION**

13 **SECTION 14.** G.S. 143-548 reads as rewritten:

14 "**§ 143-548. Vocational State Rehabilitation Council.**

15 (a) There is established the Vocational State Rehabilitation Council ~~within (Council) in~~  
 16 support of the activities of the Division of Vocational Rehabilitation Services to be composed of  
 17 not more than 18 appointed members. Appointed members shall be voting members except where  
 18 prohibited by federal law or regulations. The Director of the Division of Vocational  
 19 Rehabilitation Services and one vocational rehabilitation counselor who is an employee of the  
 20 Division shall serve ex officio as nonvoting members. The President Pro Tempore of the Senate  
 21 shall appoint six members, the Speaker of the House of Representatives shall appoint six  
 22 members, and the Governor shall appoint five or six members. The appointing authorities shall  
 23 appoint members of the Council after soliciting recommendations from representatives of  
 24 organizations representing a broad range of individuals with disabilities. Terms of appointment  
 25 shall be as specified in subsection (d1) of this section. Appointments shall be made as follows:

26 ...."

27 **PART III-E. MODIFICATION TO THE STATE CONSUMER AND FAMILY**  
 28 **ADVISORY COMMITTEE APPOINTMENTS**

29 **SECTION 15.(a)** G.S. 122C-171 reads as rewritten:

30 "**§ 122C-171. State Consumer and Family Advisory Committee.**

31 (a) There is established the State Consumer and Family Advisory Committee (State  
 32 CFAC). The State CFAC shall be ~~shall be~~ a self-governing and self-directed organization that  
 33 advises the Department and the General Assembly on the planning and management of the State's  
 34 public mental health, developmental disabilities, and substance abuse services system.

35 (b) The State CFAC shall be composed of ~~24-27~~ members. The members shall be  
 36 composed exclusively of adult consumers of mental health, developmental disabilities, ~~and~~  
 37 substance abuse services; abuse, and traumatic brain injury services; and family members of  
 38 consumers of mental health, developmental disabilities, ~~and~~ substance abuse abuse, and  
 39 traumatic brain injury services. The terms of members shall be three years, and no member may  
 40 serve more than two consecutive terms. Vacancies shall be filled by the appointing authority.  
 41 The members shall be appointed as follows:

42 (1) ~~Nine-Twelve~~ by the Secretary. The Secretary's appointments shall reflect each  
 43 of the disability groups. The terms shall be staggered so that terms of three of  
 44 the appointees expire each year.

45 (2) ~~Three-Five~~ by the President Pro Tempore of the Senate, ~~one each of whom~~  
 46 ~~shall come selected from the three State regions for institutional services~~  
 47 ~~(Eastern as follows: two from the Eastern Region, one from the Central~~  
 48 ~~Region, and two from the Western Region). Region.~~ The terms of the  
 49 appointees shall be staggered so that the term of one appointee expires every  
 50 year.

- 1           (3) ~~Three-Five~~ by the Speaker of the House of Representatives, ~~one each of whom~~  
 2 ~~shall come from~~ selected from the three State regions for institutional services  
 3 ~~(Eastern as follows: two from the Eastern Region, two from the Central~~  
 4 ~~Region, and one from the Western Region)-Region.~~ The terms of the  
 5 appointees shall be staggered so that the term of one appointee expires every  
 6 year.
- 7           (4) ~~Three by the Council of Community Programs, one each of whom shall come~~  
 8 ~~from the three State regions for institutional services (Eastern Region, Central~~  
 9 ~~Region, and Western Region).~~ The terms of the appointees shall be staggered  
 10 ~~so that the term of one appointee expires every year.~~
- 11           (5) ~~Three-Five~~ by the North Carolina Association of County Commissioners, ~~one~~  
 12 ~~each of whom shall come~~ selected from the three State regions for institutional  
 13 services ~~(Eastern as follows: one from the Eastern Region, two from the~~  
 14 ~~Central Region, and two from the Western Region)-Region.~~ The terms of the  
 15 appointees shall be staggered so that the term of one appointee expires every  
 16 year.

17       ...."

18           **SECTION 15.(b)** Notwithstanding the repeal of G.S. 122C-171(b)(4) pursuant to  
 19 subsection (a) of this section, current members of the State Consumer and Family Advisory  
 20 Committee who were appointed by the Council of Community Programs shall serve out the  
 21 remainder of their terms. As the current terms of these members expire, each of the appointing  
 22 authorities identified in G.S. 122C-171(b)(2), 122C-171(b)(3), and 122(b)(5) shall, in the order  
 23 listed in G.S. 122C-171(b), take turns making an additional appointment to achieve conformity  
 24 with G.S. 122C-171(b), as amended by this act.

25  
 26 **PART III-F. REPEAL EMPLOYEE ASSISTANCE PROFESSIONALS ARTICLE**

27           **SECTION 16.** Article 32 of Chapter 90 of the General Statutes is repealed.

28  
 29 **PART III-G. MULTI-ETHNIC PLACEMENT ACT COMPLIANCE/ADOPTION**  
 30 **PREPLACEMENT ASSESSMENT MODIFICATIONS**

31           **SECTION 17.** G.S. 48-3-303 reads as rewritten:

32 **"§ 48-3-303. Content and timing of preplacement assessment.**

33           (a) A preplacement assessment shall be completed within 90 days after a request has been  
 34 accepted.

35           (b) The preplacement assessment must be based on at least one personal interview with  
 36 each individual being assessed in the individual's residence and any report received pursuant to  
 37 subsection (c) of this section.

38           (c) The preplacement assessment shall, after a reasonable investigation, report on the  
 39 following about the individual being assessed:

- 40           (1) ~~Age and date of birth, nationality, Nationality,~~ race, or ethnicity, and any  
 41 religious preference;
- 42           (2) Marital and family status and history, including the presence of any children  
 43 born to or adopted by the individual and any other children in the household;
- 44           (3) ~~Physical~~ Date of birth and physical and mental health, including any addiction  
 45 to alcohol or drugs;
- 46           (4) Educational and employment history and any special skills;
- 47           (5) Property and income, and current financial information provided by the  
 48 individual;
- 49           (6) Reason for wanting to adopt;
- 50           (7) Any previous request for an assessment or involvement in an adoptive  
 51 placement and the outcome of the assessment or placement;

- 1 (8) Whether the individual has ever been a respondent in a domestic violence  
2 proceeding or a proceeding concerning a minor who was allegedly abused,  
3 dependent, neglected, abandoned, or delinquent, and the outcome of the  
4 proceeding;
- 5 (9) Whether the individual has ever been convicted of a crime other than a minor  
6 traffic violation;
- 7 (10) Whether the individual has located a parent interested in placing a child with  
8 the individual for adoption and a brief, nonidentifying description of the  
9 parent and the child; and
- 10 (11) Any other fact or circumstance that may be relevant to a determination of the  
11 individual's suitability to be an adoptive parent, including the quality of the  
12 environment in the home and the functioning of any children in the household.
- 13 (12) The agency preparing the preplacement assessment may redact from the  
14 preplacement assessment provided to a placing parent or guardian detailed  
15 information reflecting the prospective adoptive parent's income and financial  
16 account balances and social security numbers, and detailed information about  
17 the prospective adoptive parent's extended family members, including  
18 surnames, names of employers, names of schools attended, social security  
19 numbers, telephone numbers and addresses, and other similarly detailed  
20 information about extended family members obtained under subsections (b)  
21 and (c) of this section.
- 22 (13) The most recent amended or updated preplacement assessment that meets the  
23 requirements of this section and G.S. 48-3-301(a), including subsequent  
24 amendments or partial updates completed as of the time of delivery, shall  
25 constitute the preplacement assessment for the purpose of meeting any  
26 requirement of this Chapter that a copy of the preplacement assessment be  
27 delivered to a court or a placing parent, guardian, or agency.

28 When any of the above is not reasonably available, the preplacement assessment shall state  
29 why it is unavailable.

30 (d) The agency shall conduct an investigation for any criminal record as permitted by  
31 law. If a prospective adoptive parent is seeking to adopt a minor who is in the custody or  
32 placement responsibility of a county department of social services, a county department of social  
33 services shall have the prospective adoptive parent's criminal history and the criminal histories  
34 of all individuals 18 years of age or older who reside in the prospective adoptive home  
35 investigated pursuant to G.S. 48-3-309, and in accordance with G.S. 48-3-309(b), make a  
36 determination as to the prospective adoptive parent's fitness to have responsibility for the safety  
37 and well-being of children and as to whether other individuals required to be checked are fit for  
38 an adoptive child to reside with them in the home.

39 (e) In the preplacement assessment, the agency shall review the information obtained  
40 pursuant to subsections (b), ~~(c)~~, ~~(c)(2) through (c)(13)~~, and (d) of this section and evaluate the  
41 individual's strengths and ~~weaknesses~~ needs to be an adoptive parent. The agency shall then  
42 determine whether the individual is suitable to be an adoptive parent.

43 (f) If the agency determines that the individual is suitable to be an adoptive parent, the  
44 preplacement assessment shall include specific factors which support that determination.

45 (g) If the agency determines that the individual is not suitable to be an adoptive parent,  
46 the preplacement assessment shall state the specific concerns which support that determination.  
47 A specific concern is one that reasonably indicates that placement of any minor, or a particular  
48 minor, in the home of the individual would pose a significant risk of harm to the well-being of  
49 the minor.

1 (h) In addition to the information and finding required by subsections (c) through (g) of  
2 this section, the preplacement assessment must contain a list of the sources of information on  
3 which it is based.

4 (i) The Social Services Commission shall have authority to establish by rule additional  
5 standards for preplacement assessments."  
6

7 **PART III-H. CHILD ABUSE PREVENTION AND TREATMENT ACT**  
8 **COMPLIANCE/EXPAND IMMUNITY FOR COOPERATING IN CHILD ABUSE AND**  
9 **NEGLECT REPORTS AND ASSESSMENTS**

10 **SECTION 18.** G.S. 7B-309 reads as rewritten:

11 **"§ 7B-309. Immunity of persons reporting and cooperating in an assessment.**

12 Anyone who makes a report pursuant to this ~~Article, Article;~~ cooperates with the county  
13 department of social services in a protective services ~~assessment, assessment;~~ testifies in any  
14 judicial proceeding resulting from a protective services report or ~~assessment, assessment;~~  
15 provides information or assistance, including medical evaluations or consultation in connection  
16 with a report, investigation, or legal intervention pursuant to a good-faith report of child abuse  
17 or neglect; or otherwise participates in the program authorized by this ~~Article, Article;~~ is immune  
18 from any civil or criminal liability that might otherwise be incurred or imposed for that action  
19 provided that the person was acting in good faith. In any proceeding involving liability, good  
20 faith is presumed."  
21

22 **PART III-I. DHHS LAW ENFORCEMENT**

23 **SECTION 19.(a)** G.S. 122C-183 reads as rewritten:

24 **"§ 122C-183. Appointment of employees as police officers who may arrest without warrant.**

25 The director of each State facility may appoint as special police officers the number of  
26 employees of their respective facilities they consider necessary. Within the grounds of the State  
27 facility the employees appointed as special police officers have all the powers of police officers  
28 of cities. ~~They have~~ The Secretary, or the Secretary's designee, may assign these special police  
29 officers to other State-operated facilities on a temporary basis to carry out the powers allowed  
30 under this section and as otherwise provided by laws relating to the specific joint security force  
31 to which they are assigned. Upon this temporary assignment, the special police officer will take  
32 the oath in G.S. 122C-184 for that specific facility. Following the oath, the police officer has the  
33 right to arrest without warrant individuals committing violations of the State law or the  
34 ordinances or rules of that facility in their presence and to bring the offenders before a magistrate  
35 who shall proceed as in other criminal cases."  
36

37 **SECTION 19.(b)** Part 2 of Article 6 of Chapter 122C of the General Statutes reads  
as rewritten:

38 "Part 2. Black Mountain Center and Julian F. Keith Alcohol and Drug Abuse Treatment Center  
39 Joint Security Force.

40 **"§ 122C-421. Joint security force.**

41 (a) The Secretary may designate one or more special police officers who shall make up  
42 a joint security force to enforce the law of North Carolina and any ordinance or regulation  
43 adopted pursuant to G.S. 143-116.6 or G.S. 143-116.7 or pursuant to the authority granted the  
44 Department by any other law on the territory of the Black Mountain ~~Center, Center and the Julian~~  
45 ~~F. Keith Alcohol Rehabilitation Center, and the Juvenile Evaluation Center, all and Drug Abuse~~  
46 Treatment Center in Buncombe County. After taking the oath of office for law enforcement  
47 officers as set out in G.S. 11-11, these special police officers have the same powers as peace  
48 officers now vested in sheriffs within the territory embraced by the named centers. ~~These special~~  
49 ~~police officers shall also have the power prescribed by G.S. 7B-1900 outside the territory~~  
50 ~~embraced by the named centers but within the confines of Buncombe County.~~ These special  
51 police officers may arrest persons outside the territory of the named centers but within the



1 confines of Buncombe County when the person arrested has committed a criminal offense within  
2 that territory, for which the officers could have arrested the person within that territory, and the  
3 arrest is made during the person's immediate and continuous flight from that territory.

4 (b) These special police officers may exercise any and all of the powers enumerated in  
5 this Part upon or in pursuit from the property formerly occupied by the Black Mountain Center  
6 and ~~transferred to the now occupied by the Division of Adult Correction and Juvenile Justice of~~  
7 ~~the Department of Public Safety by Senate Bill 388 and House Bill 709 of the 1985 Session of~~  
8 ~~the General Assembly. Safety.~~ These special police officers shall exercise said powers upon the  
9 property transferred to the Division of Adult Correction ~~and Juvenile Justice~~ of the Department  
10 of Public Safety only by agreement of the Division of Adult Correction ~~and Juvenile Justice~~ of  
11 the Department of Public Safety and the Department of Health and Human Services.

12 (c) Upon assignment by the Secretary, or Secretary's designee, to any State-operated  
13 facility pursuant to G.S. 122C-183, these special police officers may exercise the same power  
14 enumerated in this Part within the territory of the named facility and within the county in which  
15 the facility is located."

16 **SECTION 19.(c)** Part 2A of Article 6 of Chapter 122C of the General Statutes reads  
17 as rewritten:

18 "Part 2A. Broughton ~~Hospital~~ Hospital, Western Regional Vocational Rehabilitation Facility,  
19 and J. Iverson Riddle Developmental Center Joint Security Force.

20 "**§ 122C-430. Joint security force.**

21 (a) The Secretary may designate one or more special police officers who shall make up  
22 a joint security force to enforce the law of North Carolina and any ordinance or regulation  
23 adopted pursuant to G.S. 143-116.6 or G.S. 143-116.7 or pursuant to the authority granted the  
24 Department by any other law on the territory of the Broughton Hospital, ~~North Carolina School~~  
25 ~~for the Deaf at Morganton (K-12),~~ Western Regional Vocational Rehabilitation Facility, J.  
26 Iverson Riddle Developmental Center, and the surrounding grounds and land adjacent to  
27 Broughton Hospital allocated to the Department of Agriculture and Consumer Services, all in  
28 Burke County. After taking the oath of office for law enforcement officers as set out in  
29 G.S. 11-11, these special police officers have the same powers as peace officers now vested in  
30 sheriffs within the territory embraced by the named facilities. These special police officers may  
31 arrest persons outside the territory of the named institutions but within the confines of Burke  
32 County when the person arrested has committed a criminal offense within that territory for which  
33 the officers could have arrested the person within that territory, and the arrest is made during the  
34 person's immediate and continuous flight from that territory.

35 (b) Upon assignment by the Secretary, or Secretary's designee, to any State-operated  
36 facility pursuant to G.S. 122C-183, these special police officers may exercise the same power  
37 enumerated in this Part within the territory of the named facility and within the county in which  
38 the facility is located."

39 **SECTION 19.(d)** Part 2B of Article 6 of Chapter 122C of the General Statutes reads  
40 as rewritten:

41 "Part 2B. Cherry Hospital and O'Berry Neuro-Medical Treatment Center Joint Security Force.

42 "**§ 122C-430.10. Joint security force.**

43 (a) The Secretary may designate one or more special police officers who shall make up  
44 a joint security force to enforce the law of North Carolina and any ordinance or regulation  
45 adopted pursuant to G.S. 143-116.6 or G.S. 143-116.7 or pursuant to the authority granted the  
46 Department by any other law on the territory of the Cherry Hospital and the O'Berry  
47 Neuro-Medical Treatment Center in Wayne County. After taking the oath of office for law  
48 enforcement officers as set out in G.S. 11-11, these special police officers have the same powers  
49 as peace officers now vested in sheriffs within the territory of the Cherry Hospital. These special  
50 police officers shall also have the power prescribed by G.S. 122C-205 outside the territory of the  
51 Cherry Hospital and the O'Berry Neuro-Medical Treatment Center but within the confines of

1 Wayne County. These special police officers may arrest persons outside the territory of the  
 2 Cherry Hospital but within the confines of Wayne County, when the person arrested has  
 3 committed a criminal offense within the territory of the ~~Cherry Hospital, Hospital and the O'Berry~~  
 4 Neuro-Medical Treatment Center, for which the officers could have arrested the person within  
 5 that territory, and the arrest is made during the person's immediate and continuous flight from  
 6 that territory.

7 (b) Upon assignment by the Secretary, or Secretary's designee, to any State-operated  
 8 facility pursuant to G.S. 122C-183, these special police officers may exercise the same power  
 9 enumerated in this Part within the territory of the named facility and within the county in which  
 10 the facility is located."

11 **SECTION 19.(e)** Part 2C of Article 6 of Chapter 122C of the General Statutes is  
 12 repealed.

13 **SECTION 19.(f)** Part 2D of Article 6 of Chapter 122C of the General Statutes reads  
 14 as rewritten:

15 "Part 2D. Long Leaf Neuro-Medical Treatment Center and Eastern North Carolina School for  
 16 the Deaf Joint Security Force.

17 "**§ 122C-430.30. Joint security force.**

18 (a) The Secretary may designate one or more special police officers who shall make up  
 19 a joint security force to enforce the law of North Carolina and any ordinance or regulation  
 20 adopted pursuant to G.S. 143-116.6 or G.S. 143-116.7 or pursuant to the authority granted the  
 21 Department by any other law on the territory of the Long Leaf Neuro-Medical Treatment Center  
 22 ~~and the Eastern North Carolina School for the Deaf~~ in Wilson County. After taking the oath of  
 23 office for law enforcement officers as set out in G.S. 11-11, these special police officers have the  
 24 same powers as peace officers now vested in sheriffs within the territory embraced by the ~~named~~  
 25 ~~facilities.~~ Long Leaf Neuro-Medical Treatment Center. These special police officers may arrest  
 26 persons outside the territory of the ~~named institutions.~~ Long Leaf Neuro-Medical Treatment  
 27 Center, but within the confines of Wilson County when the person arrested has committed a  
 28 criminal offense within that territory for which the officers could have arrested the person within  
 29 that territory, and the arrest is made during the person's immediate and continuous flight from  
 30 that territory.

31 (b) These special police officers may exercise any and all of the powers enumerated in  
 32 this Part upon the property of, or in pursuit from, the Eastern North Carolina School for the Deaf  
 33 only by agreement of the Department of Public Instruction and the Department of Health and  
 34 Human Services.

35 (c) Upon assignment by the Secretary, or Secretary's designee, to any State-operated  
 36 facility pursuant to G.S. 122C-183, these special police officers may exercise the same power  
 37 enumerated in this Part within the territory of the named facility and within the county in which  
 38 the facility is located."

39  
 40 **PART III-J. SECURITY RECORDINGS**

41 **SECTION 20.(a)** G.S. 122C-3, as amended by S.L. 2019-76, reads as rewritten:

42 "**§ 122C-3. Definitions.**

43 The following definitions apply in this Chapter:

44 ...

45 (32) Responsible professional. – An individual within a facility who is designated  
 46 by the facility director to be responsible for the care, treatment, habilitation,  
 47 or rehabilitation of a specific client and who is eligible to provide care,  
 48 treatment, habilitation, or rehabilitation relative to the client's disability.

49 ~~(33)~~(32a) Secretary. – The Secretary of the Department of Health and Human  
 50 Services.

1           (32b) Security recordings. – Any films, videos, or electronic or other media  
 2           recordings of a common area in a State facility that are produced for the  
 3           purpose of maintaining or enhancing the health and safety of clients, residents,  
 4           staff, or visitors of that State facility. The term does not include recordings of  
 5           a client's clinical sessions or any other recordings that are part of a client's  
 6           confidential records or information.

7           (33a) Severe and persistent mental illness. –A mental disorder suffered by persons  
 8           of 18 years of age or older that leads these persons to exhibit emotional or  
 9           behavioral functioning that is so impaired as to interfere substantially with  
 10          their capacity to remain in the community without supportive treatment or  
 11          services of a long term or indefinite duration. This disorder is a severe and  
 12          persistent mental disability, resulting in a long-term limitation of functional  
 13          capacities for the primary activities of daily living, such as interpersonal  
 14          relations, homemaking, self-care, employment, and recreation.

15          ...."

16          **SECTION 20.(b)** Article 3 of Chapter 122C of the General Statutes is amended by  
 17          adding a new section to read:

18          "**§ 122C-56.1. Exceptions; security recordings.**

19          (a) Security recordings are not a public record under Chapter 132 of the General Statutes  
 20          and are confidential information under this Chapter.

21          (b) A State facility is not required to disclose its security recordings unless required under  
 22          federal law or compelled by a court of competent jurisdiction.

23          (c) A State facility shall allow viewing of security recordings by an internal client  
 24          advocate.

25          (d) A State facility may allow viewing of a security recording by a client or their legally  
 26          responsible person if, in the opinion of the responsible professional, it is determined to be in the  
 27          best interest of the client."

28  
 29          **PART III-K. NC REACH PROGRAM/GUARDIANSHIP**

30          **SECTION 21.** Section 11C.5(a) of S.L. 2017-57 reads as rewritten:

31          "**SECTION 11C.5.(a)** Funds appropriated from the General Fund to the Department of  
 32          Health and Human Services for the child welfare postsecondary support program shall be used  
 33          to continue providing assistance with the "cost of attendance" as that term is defined in 20 U.S.C.  
 34          § 108711 for the educational needs of (i) foster youth aging out of the foster care ~~system~~system,  
 35          (ii) youth who exit foster care to a permanent home through the Guardianship Assistance  
 36          Program, and (iii) special needs children adopted from foster care after age 12. These funds shall  
 37          be allocated by the State Education Assistance Authority."

38  
 39          **PART III-L. TRAUMATIC BRAIN INJURY**

40          **SECTION 22.** G.S. 122C-3, as amended by S.L. 2019-76, reads as rewritten:

41          "**§ 122C-3. Definitions.**

42          The following definitions apply in this Chapter:

43          ...

44          (12a) Developmental disability. – A severe, chronic disability of a person that  
 45          satisfies all of the following:

46          a. ~~Is attributable to a mental or physical impairment or combination of~~  
 47          ~~mental and physical impairments to one or more impairments.~~

48          b. Is manifested before the person attains age 22, unless the disability is  
 49          caused by a traumatic head injury and is manifested after age 22. brain  
 50          injury, in which case the disability may be manifested after attaining  
 51          age 22.

- c. Is likely to continue indefinitely.
- d. Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, capacity for independent living, learning, mobility, self-direction, and economic self-sufficiency.
- e. Reflects the person's need for a combination and sequence of special interdisciplinary, or generic care, treatment, or other services ~~which~~ that are of a lifelong or extended duration and are individually planned and ~~coordinated~~-coordinated; or when applied to children from birth through age four, may be evidenced as a developmental delay.
- f. ~~When applied to children from birth through four years of age, may be evidenced as a developmental delay.~~

...

(38a) Traumatic brain injury. – An injury to the brain caused by an external physical force resulting in total or partial functional disability, psychosocial impairment, or both, and meets all of the following criteria:

- a. Involves an open or closed head injury.
- b. Resulted from a single event, or resulted from a series of events which may include multiple concussions.
- c. Occurs with or without a loss of consciousness at the time of injury.
- d. Results in impairments in one or more areas of the following functions: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.
- e. Does not include brain injuries that are congenital or degenerative.

...."

**PART III-M. ADD CONTINUING CARE RETIREMENT COMMUNITY (CCRC) REPRESENTATIVE TO MEDICAL CARE COMMISSION**

**SECTION 23.(a) G.S. 143B-166 reads as rewritten:**

**"§ 143B-166. North Carolina Medical Care Commission – members; selection; quorum; compensation.**

The North Carolina Medical Care Commission of the Department of Health and Human Services shall consist of 17 members appointed by the Governor. Three of the members appointed by the Governor shall be nominated by the North Carolina Medical Society, one member shall be nominated by the North Carolina Nurses Association, one member shall be nominated by the North Carolina Pharmaceutical Association, one member nominated by the Duke Foundation and one member nominated by the North Carolina Hospital Association. The remaining 10 members of the North Carolina Medical Care Commission shall be appointed by the Governor and selected so as to fairly represent agriculture, industry, labor, and other interest groups in North Carolina. One such member appointed by the Governor shall be a dentist licensed to practice in North Carolina. ~~Carolina~~ Carolina and one such member appointed by the Governor shall be an individual affiliated with a nonprofit Continuing Care Retirement Community licensed pursuant to Article 64 of Chapter 58 of the General Statutes. The initial members of the Commission shall be 18 members of the North Carolina Medical Care Commission who shall serve for a period equal to the remainder of their current terms on the North Carolina Medical Care Commission, six of whose appointments expire June 30, 1973, four of whose appointments expire June 30, 1974, four of whose appointments expire June 30, 1975, and four of whose appointments expire June 30, 1976. To achieve the required 17 members the Governor shall appoint three members to the Commission upon the expiration of four members' initial terms on

1 June 30, 1973. At the end of the respective terms of office of the initial members of the  
2 Commission, their successors shall be appointed for terms of four years and until their successors  
3 are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the  
4 resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired  
5 term.

6 The Governor shall have the power to remove any member of the Commission from office  
7 for misfeasance, malfeasance or nonfeasance in accordance with the provisions of G.S. 143B-13  
8 of the Executive Organization Act of 1973.

9 Vacancies on said Commission among the membership nominated by a society, association,  
10 or foundation as hereinabove provided shall be filled by the Executive Committee or other  
11 authorized agent of said society, association or foundation until the next meeting of the society,  
12 association or foundation at which time the society, association or foundation shall nominate a  
13 member to fill the vacancy for the unexpired term.

14 The members of the Commission shall receive per diem and necessary travel and subsistence  
15 expenses in accordance with the provisions of G.S. 138-5.

16 A majority of the Commission shall constitute a quorum for the transaction of business.

17 All clerical and other services required by the Commission shall be supplied by the Secretary  
18 of Health and Human Services."

19 **SECTION 23.(b)** The individual affiliated with a nonprofit Continuing Care  
20 Retirement Community, as described in subsection (a) of this section, shall be appointed to fill  
21 the next vacancy occurring after the effective date of this act in an appointed position held by a  
22 representative of agriculture, industry, labor, or other interest group.

#### 23 24 **PART IV. EFFECTIVE DATE**

25 **SECTION 24.** Except as otherwise provided, this act is effective when it becomes  
26 law.