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’ STATUTES 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
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Medicaid and NC Health Choice, and the Fiscal Research Division. The Department shall not submit to the Centers for Medicare and Medicaid Services any amendments to the NC Medicaid State Plan necessary to implement the new service definition without prior approval from the General Assembly.

SECTION 1.(c) If House Bill 966, 2019 Regular Session, becomes law, then Section 9D.12B of that act is repealed.

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

SECTION 2.(a) Article 24 of Chapter 90 of the General Statutes reads as rewritten:

"Article 24.

§ 90-329. Declaration of policy.

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

§ 90-330. Definitions; practice of counseling.

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

(1) Repealed by Session Laws 1993, c. 514, s. 1.

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

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

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

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

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

…

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

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

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

(c) Practice of Marriage and Family Therapy, Psychology, or Social Work. – No person licensed as a licensed professional clinical mental health counselor or licensed professional clinical mental health counselor associate under the provisions of this Article shall be allowed to hold himself or herself out to the public as a licensed marriage and family therapist, licensed practicing psychologist, psychological associate, or licensed clinical social worker unless specifically authorized by other provisions of law.
"§ 90-331. Prohibitions.

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

"§ 90-332. Use of title by firm.

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

"§ 90-332.1. Exemptions from licensure.

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

…

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

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

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

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

…

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

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

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

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

(k) The Board shall investigate, subpoena individuals and records, and take necessary appropriate action to properly discipline persons licensed under this Article and to enforce this Article.
The Board shall establish a program for licensees who may be experiencing substance use disorders, burnout, compassion fatigue, and other mental health concerns. In establishing this program, the Board is authorized to enter into agreements with existing professional health care programs. The Board is also authorized to refer any licensee to this program as part of the disciplinary process. The Board may adopt rules implementing this program.

§ 90-335. Board general provisions.

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

§ 90-336. Title and qualifications for licensure.

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

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

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

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

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

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

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

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

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

(2) Has one of the following:

a. At least five years of full-time licensed professional clinical mental health counseling experience, including a minimum of 2,500 hours of direct client contact;

b. At least eight years of part-time licensed professional clinical mental health counseling experience, including a minimum of 2,500 hours of direct client contact; or

c. A combination of full-time and part-time professional clinical mental health counseling experience, including a minimum of 2,500 hours of direct client contact as determined by the Board.

(3) Has completed minimum education requirements in clinical supervision as approved by the Board.

(4) Has an active license in good standing as a licensed professional clinical mental health counselor approved by the Board.

§ 90-337. Persons credentialed in other states.
(a) The Board may license any person who is currently licensed, certified, or registered by another state if the individual has met requirements determined by the Board to be substantially similar to or exceeding those established under this Article.

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

§ 90-338. Exemptions.

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

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


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

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

(6) Has had a license or certification for the practice of professional clinical mental health counseling in any other jurisdiction suspended or revoked, or has been disciplined by the licensing or certification board in any other jurisdiction for conduct which would subject him or her to discipline under this Article.

(7) Has violated any provision of this Article or any rules adopted by the Board.

(8) Has aided or abetted the unlawful practice of professional clinical mental health counseling by any person not licensed by the Board.

(9) Has been guilty of immoral, dishonorable, unprofessional, or unethical conduct as defined in this subsection or in the current code of ethics of the American Counseling Association. However, if any provision of the code of ethics is inconsistent and in conflict with the provisions of this Article, the provisions of this Article shall control.

(10) Has practiced professional clinical mental health counseling in such a manner as to endanger the welfare of clients.

(11) Has demonstrated an inability to practice professional clinical mental health counseling with reasonable skill and safety by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance affecting mental or physical functioning, or as a result of any mental or physical condition.

(12) Has practiced professional clinical mental health counseling outside the boundaries of demonstrated competence or the limitations of education, training, or supervised experience.

(13) Has exercised undue influence in such a manner as to exploit the client, patient, student, supervisee, or trainee for the financial or other personal advantage or gratification of the licensed professional clinical mental health counselor associate, licensed professional clinical mental health counselor, or a third party.

(14) Has harassed or abused, sexually or otherwise, a client, patient, student, supervisee, or trainee.

(15) Has failed to cooperate with or to respond promptly, completely, and honestly to the Board, to credentials committees, or to ethics committees of professional associations, hospitals, or other health care organizations or educational institutions, when those organizations or entities have jurisdiction.

(16) Has refused to appear before the Board after having been ordered to do so in writing by the chair.

(17) Has a finding listed on the Division of Health Service Regulation of the Department of Health and Human Services Health Care Personnel Registry.

(b) The Board may, in lieu of denial, suspension, or revocation, take any of the following disciplinary actions:

(1) Issue a formal reprimand or formally censure the applicant or licensee.

(2) Place the applicant or licensee on probation with the appropriate conditions on the continued practice of professional clinical mental health counseling deemed advisable by the Board.

(3) Require examination, remediation, or rehabilitation for the applicant or licensee, including care, counseling, or treatment by a professional or professionals designated or approved by the Board, the expense to be borne by the applicant or licensee.
(4) Require supervision of the professional clinical mental health counseling services provided by the applicant or licensee by a licensee designated or approved by the Board, the expense to be borne by the applicant or licensee.

(5) Limit or circumscribe the practice of professional clinical mental health counseling provided by the applicant or licensee with respect to the extent, nature, or location of the professional clinical mental health counseling services provided, as deemed advisable by the Board.

(6) Discipline and impose any appropriate combination of the types of disciplinary action listed in this section.

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

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

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

§ 90-343. Disclosure.

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

§ 90-345. Criminal history record checks of applicants for licensure as professional clinical mental health counselors.

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

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

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

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

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

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


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

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

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

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

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

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.

... 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.

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

SECTION 3. (g) G.S. 90-214.41(2) reads as rewritten:

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

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

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

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

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

(1) The Secretary has received a request:

a. To certify a licensed clinical social worker, a master's or higher level degree nurse practitioner, a licensed professional—clinical mental health counselor, or a physician's assistant to conduct the first examinations described in G.S. 122C-263(c) and G.S. 122C-283(c).

b. To certify a master's level licensed clinical addictions specialist to conduct the first examination described in G.S. 122C-283(c).

…

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

(5) In no event shall the certification of a licensed clinical social worker, master's or higher level degree nurse practitioner, licensed professional—clinical mental health counselor, physician assistant, or master's level certified clinical addictions specialist under this section be construed as authorization to expand..."
the scope of practice of the licensed clinical social worker, the master's level
nurse practitioner, licensed professional—clinical mental health counsellor,
physician assistant, or the master's level certified clinical addictions specialist.

"..."

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

"§ 143B-957. Criminal record checks of applicants for licensure as professional
counselors—clinical mental health counselors.

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

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

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

PART II-C. INDEPENDENT STUDY DEFINITION CHANGES

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

"§ 90-113.31A. Definitions.
The following definitions shall apply in this Article:

…

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

…

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

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

PART II-D. SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD
RESTRUCTURE

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

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

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

SECTION 5.(c) G.S. 90-113.32(c1) reads as rewritten:
"(c1) Every member of the Board shall have the right to vote on all matters before the Board, except for the President, who shall vote only in case of a tie or when another member of the Board abysts on the question of whether the professional discipline the member represents shall retain its deemed status."

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

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

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

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

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

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

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

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

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

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

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

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

"(e1) Initial members of the Board shall serve staggered terms. The members identified in subdivision (1) of subsection (c2) of this section shall be appointed initially for a term of one year. The members identified in subdivision (2) of subsection (c2) of this section shall be appointed initially for a term of two years. The members identified in subdivision (3) of subsection (c2) of this section shall be appointed initially for a term of three years."
At the end of their respective terms of office, their successors shall be appointed for terms of three years, effective July 1. A vacancy occurring before the expiration of the term of office shall be filled in the same manner as original appointments for the remainder of the term."

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

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

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

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

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

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

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

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

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

PART II-F. ESTABLISHMENT OF PROGRAM FOR IMPAIRED SUBSTANCE ABUSE PROFESSIONALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART II-G. TECHNICAL CHANGES TO THE CERTIFIED SUBSTANCE USE DISORDER PROFESSIONAL PRACTICE ACT

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

"Article 5C. North Carolina Substance Abuse-Use Disorder Professional Practice Act."

"§ 90-113.30. Declaration of purpose.

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

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

"§ 90-113.31A. Definitions.

The following definitions shall apply in this Article:

(1) Applicant. – A person who has initiated a process to become a substance abuse use disorder professional pursuant to this Article.
(2) Applicant supervisor. – A person who provides supervision as required by the Board to persons applying for registration, certification, or licensure as a substance abuse use disorder professional pursuant to this Article.
Board. – The North Carolina Substance Abuse Addictions Specialist Professional Practice Board.

(3) Certified criminal justice addictions professional. – A person certified by the Board to practice as a criminal justice addictions professional who, under supervision, provides direct services to clients or offenders exhibiting substance abuse disorders and works in a program determined by the Board to be involved in a criminal justice setting.

(5) Certified substance abuse-alcohol and drug counselor. – A person certified by the Board to practice under the supervision of a practice supervisor as a substance abuse-alcohol and drug counselor in accordance with the provisions of this Article.

(6) Certified substance abuse-prevention consultant-specialist. – A person certified by the Board to practice substance abuse disorder prevention in accordance with the provisions of this Article.

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

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

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

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

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

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

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

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

"§ 90-113.31B. Scope of practice.

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

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

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

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

..."

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

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

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

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

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

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

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

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

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

A clinical supervisor shall complete at least 15 hours of substance abuse use disorder clinical
supervision training prior to the certificate being renewed. A substance abuse residential facility
director shall complete at least 10 hours of substance abuse training for renewal. A certified
criminal justice addictions professional shall complete at least 40 hours of continuing education
that must be earned in the certified criminal justice addictions professional performance domains.
A certified criminal justice addictions professional shall submit a Board-approved supervision
contract signed by the criminal justice addictions professional and a practice supervisor
documenting ongoing supervision at a ratio of one hour of supervision to every 40 hours of
practice after certification is granted by the Board on a form provided by the Board."
§ 90-113.38. Maximums for certain fees.

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

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

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

§ 90-113.40. Requirements for certification and licensure.

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

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

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

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

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

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

(1) Criteria A. – The applicant:

b. Has two years postgraduate supervised substance abuse-use disorder counseling experience.

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

e. Has attained 180 hours of substance abuse-use disorder specific training from either a regionally accredited college or university, which may include unlimited independent study, or from training events of which no more than fifty percent (50%) shall be in
... independent study. All hours shall be credited according to the standards set forth in G.S. 90-113.41A.

(2) Criteria B. – The applicant:

... e. Submits three letters of reference from either licensed clinical addictions specialists or certified substance abuse alcohol and drug counselors who have obtained master's degrees.

(3) Criteria C. – The applicant:

a. Has a minimum of a master's degree in a human services field with both a clinical application and a substance abuse disorder specialty from a regionally accredited college or university that includes 180 hours of substance abuse disorder specific education and training pursuant to G.S. 90-113.41A.

b. Has one year of postgraduate supervised substance abuse disorder counseling experience.

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

(4) Criteria D. – The applicant has a substance abuse disorder certification from a professional discipline that has been granted deemed status by the Board.

d The Board shall issue a certificate certifying an applicant as a “Substance Abuse Residential Facility Director” if the applicant:

(1) Has been credentialed as a substance abuse counselor or a clinical addictions specialist.

(2) Has 50 hours of Board approved academic or didactic management specific training or a combination thereof. Independent study may compose up to fifty percent (50%) of the total number of hours required for initial credentialing.

(3) Submits letters of reference from the applicant’s current supervisor and a colleague or coworker.

d The Board shall issue a certificate certifying an applicant as a "Certified Criminal Justice Addictions Professional", with the acronym "CCJP", if in addition to meeting the requirements of subdivisions (a)(1) through (5a) of this section, the applicant:

... (3) Has provided documentation of supervised work experience providing direct service to clients or offenders involved in one of the three branches of the criminal justice system, which include law enforcement, the judiciary, and corrections. The applicant must meet one of the following criteria:

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

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

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

"§ 90-113.40B. Applicant supervision.

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

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

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

..."

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

"§ 90-113.41A. Deemed status.

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

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

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

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

..."

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

"§ 90-113.42. Violations; exemptions.

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

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

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

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

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

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

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

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

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

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

(4) Aid, abet, or assist any person to practice as a certified substance abuse alcohol and drug counselor, certified substance abuse prevention consultant, specialist, certified clinical supervisor, licensed clinical addictions specialist, certified criminal justice addictions professional, registrant, substance abuse alcohol and drug counselor intern, licensed clinical addictions specialist associate, or clinical supervisor intern in violation of this Article.

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

..."

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

"§ 90-113.44. Grounds for disciplinary action.

(a) Grounds for disciplinary action for an applicant or credentialed professional include:
(1) The employment of fraud, deceit, or misrepresentation in obtaining or attempting to obtain licensure, certification, or registration or renewal of licensure, certification, or registration.

(2) The use of drugs or alcoholic beverages to the extent that professional competency is affected.

(2a) The use of drugs or alcoholic beverages to the extent that a substance abuse use disorder professional suffers impairment.

(3) Conviction of an offense under any municipal, State, or federal law other than traffic laws as prescribed by Chapter 20 of the General Statutes.

(4) Conviction of a felony or other public offense involving moral turpitude. Conviction of a Class A-E felony shall result in an immediate suspension of licensure, certification, or registration for a minimum of one year.

(5) An adjudication of insanity or incompetency, until proof of recovery from this condition can be established by a licensed psychologist or psychiatrist.

(6) Engaging in any act or practice in violation of any of the provisions of this Article or any of the rules adopted pursuant to it, or aiding, abetting, or assisting any other person in such a violation.

(7) The commission of an act of malpractice, gross negligence, or incompetence while serving as a substance abuse use disorder professional, intern, or registrant.


(9) Engaging in conduct that could result in harm or injury to the public.

(10) Entering into a dual relationship that impairs professional judgment or increases the risk of exploitation with a client or supervisee.

(11) Practicing as a credentialed substance abuse use disorder professional outside of his or her scope of practice pursuant to G.S. 90-113.31B.

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

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

"§ 90-113.46. Application of requirements of Article.
All persons credentialed by the North Carolina Substance Abuse–Addictions Specialist Professional Practice Board, Inc., as of July 1, 1994, shall be credentialed by the Board pursuant to this Article. All these persons are subject to all the other requirements of this Article and of the rules adopted pursuant to it."

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

PART II-H. DISCONTINUE CERTIFIED SUBSTANCE ABUSE RESIDENTIAL FACILITY DIRECTOR CREDENTIALING
SECTION 9.(a) The certified substance abuse residential facility director credential is discontinued. The North Carolina Substance Abuse Professional Practice Board shall no longer issue or renew a certified substance abuse residential facility director credential to any person.

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

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

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

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

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

"§ 90-113.38. Maximums for certain fees.

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

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

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

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

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

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

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

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

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

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

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

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

PART II-I. AMEND SOCIAL WORKER PRACTICE ACT

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

"Chapter 90B.

"Social Worker Certification and Licensure Act.

"§ 90B-2. Purpose.

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

"§ 90B-3. Definitions.

The following definitions apply in this Chapter:

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

(2) Board. – The North Carolina Social Work Certification and Licensure Board.

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

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

Clinical Social Work Practice. – The professional application of social work theory and methods to the biopsychosocial diagnosis, treatment, or prevention, of emotional and mental disorders. Practice includes, by whatever means of communications, the treatment of individuals, couples, families, and groups, including the use of psychotherapy and referrals to and collaboration with other health professionals when appropriate. Clinical social work practice shall not include the provision of supportive daily living services to persons with severe and persistent mental illness as defined in G.S. 122C-3(33a).

Licensed Clinical Social Worker. – A person who is competent to function independently, who holds himself or herself out to the public as a social worker, and who offers or provides clinical social work services or supervises others engaging in clinical social work practice.

Licensed Clinical Social Worker Associate. – A person issued an associate license to provide clinical social work services pursuant to G.S. 90B-7(f).

Practice of Social Work. – To perform or offer to perform services, by whatever means of communications, for other people that involve the application of social work values, principles, and techniques in areas such as social work services, consultation and administration, and social work planning and research.

Social work continuing education. – Training that, in accordance with the requirements established by the Board pursuant to G.S. 90B-6(g), (i) fosters the enhancement of generalized or specialized social work practice, values, skills, or knowledge, and (ii) includes an element addressing how the knowledge and skills may be applied to the practice of social work.

Social Worker. – A person certified, licensed, or associate licensed by this Chapter or otherwise exempt under G.S. 90B-10, or a person who has earned a bachelors, masters, or doctoral degree in social work from a social work program accredited by or in candidacy for accreditation by the Council on Social Work Education.

Supervision. – The professional relationship between a supervisee and the supervisor in which a supervisor provides guidance, oversight, direction, and evaluation of the services provided by the supervisee in the professional application of social work practice as defined by law. Supervision is designed to promote responsibility, competency, and accountability, and to teach the skills and techniques associated with social work practice.

§ 90B-4. Prohibitions.

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

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

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

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


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

(1) At least two members of the Board shall be Certified Social Workers or Certified Master Social Workers, three certified social workers, a certified master social worker, or a certified social work manager. Four members shall be Licensed Clinical Social Workers, licensed clinical social workers, and two members shall be appointed from the public at large.

Composition of the Board as to the race and sex of its members shall reflect the composition of the population of the State of North Carolina.

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

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

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

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

§ 90B-7. Titles and qualifications for certificates and licenses.
(a) Each person desiring to obtain a certificate or license from the Board shall make application to the Board upon such forms and in such manner as the Board shall prescribe, together with the required application fee established by the Board.
(b) The Board shall issue a certificate as "Certified Social Worker" to an applicant who meets the following qualifications:
   (1) Has a bachelor's degree in a social work program from a college or university having a social work program approved, accredited, or admitted to candidacy for accreditation by the Council on Social Work Education for undergraduate curricula.
   (2) Has passed the Board examination for the certification of persons in this classification. Board-approved qualifying examination.
(c) The Board shall issue a certificate as "Certified Master Social Worker" to an applicant who meets the following qualifications:
   (1) Has a master's or doctoral degree in a social work program from a college or university having a social work program approved, accredited, or admitted to candidacy for accreditation by the Council on Social Work Education.
   (2) Has passed the Board examination for the certification of persons in this classification. Board-approved qualifying examination.
(d) The Board shall issue a license as a "Licensed Clinical Social Worker" to an applicant who meets the following qualifications:
   (1) Holds or qualifies for a current certificate as a Certified Master Social Worker. Has a master's or doctoral degree in social work from a college or university social work program approved, accredited, or admitted for accreditation by the Council on Social Work Education.
   (2) Shows to the satisfaction of the Board that he or she has had two years of clinical social work experience with appropriate supervision in the field of specialization in which the applicant will practice.
   (3) Has passed the Board examination for the certification of persons in this licensure. Board-approved qualifying examination.
(e) The Board shall issue a certificate as a "Certified Social Work Manager" to an applicant who meets the following qualifications:
   (1) Holds or qualifies for a current certificate as a Certified Social Worker. Has a master's or doctoral degree in social work from a college or university social work program approved, accredited, or admitted for accreditation by the Council on Social Work Education.
   (2) Shows to the satisfaction of the Board that he or she has had two years of experience in an administrative setting with appropriate supervision and training.
   (3) Has passed the Board examination for the certification of persons in this classification. Board-approved qualifying examination.
(f) The Board may issue an associate license in clinical social work to a person who has a master's or doctoral degree in a social work program from a college or university having a social work program approved, accredited, or in candidacy for accreditation by the Council...
on Social Work Education and who desires to be licensed as a licensed clinical social worker.

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

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

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

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

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

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

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

(b) All certificates and licenses issued hereunder shall be renewed at the times and in the
manner provided by this section. At least 45 days prior to expiration of each certificate or license,
the Board shall mail a notice and application for renewal to the certificate holder or licensee.
Prior to the expiration date, the applicant shall submit to the Board the properly completed
application, together with a fee established by the Board pursuant to G.S. 90B-6.2(a)(4) G.S. 90B-6.2(a)(4), and evidence of completion of
the continuing education requirements established by the Board pursuant to G.S. 90B-6(g), upon
receipt of which the Board shall renew the certificate or license. If the application for renewal of
a certificate or license is not renewed received by the Board office on or before the close of
business on the day prior to the expiration date, date of the license, an additional fee shall be
charged for late renewal as provided in G.S. 90B-6.2(a)(5).
(c) A certificate or license issued under this Chapter shall be automatically suspended for failure to renew for a period of more than 60 days after the renewal date. The Board may reinstate a certificate or license suspended under this subsection upon verification of compliance with current requirements and payment of a reinstatement fee as provided in G.S. 90B-6.2(a)(6) and may require that the applicant file a new application, furnish new supervisory reports or references or otherwise update his or her credentials, or submit to examination for reinstatement. The Board shall have exclusive jurisdiction to investigate alleged violations of this Chapter by any person whose certificate or license has been suspended under this subsection and, upon proof of any violation of this Chapter, the Board may take disciplinary action as provided in G.S. 90B-11.

"§ 90B-9.1. Nonpracticing status.

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

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

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

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

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


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


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

"§ 90B-11. Disciplinary procedures.
The Board may, in accordance with the provisions of Chapter 150B of the General Statutes, deny, suspend, or revoke an application, certificate, or license on any of the following grounds:

(1) Conviction of a misdemeanor or the entering of a plea of guilty or nolo contendere to any misdemeanor under this Chapter, involving moral turpitude, misrepresentation or fraud in dealing with the public, conduct otherwise relevant to fitness to practice social work, or any misdemeanor reflecting inability to practice social work with due regard to the health and safety of clients or patients.

(2) Conviction of a felony or the entering of a plea of guilty or nolo contendere to a felony under the laws of the United States or of any state of the United States.

(3) Gross unprofessional conduct, dishonest practice or incompetence in the practice of social work.

(4) Procuring or attempting to procure a certificate or license by fraud, deceit, or misrepresentation.

(5) Any fraudulent or dishonest conduct in social work.

(6) Inability of the person to perform the functions for which he or she is certified or licensed, or substantial impairment of abilities by reason of physical or mental disability.

(7) Violations of any of the provisions of this Chapter or of rules of the Board.

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

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

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

PART III-A. CLARIFICATIONS TO MEDICAID SUBROGATION STATUTE

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

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

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

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

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

\[\ldots\]

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

(1) The medical assistance beneficiary has the burden of proving by clear and
convincing evidence that the portion of the beneficiary's gross recovery that
represents compensation for the Medicaid claim is less than the portion
presumed under subsection (a1) of this section.

(2) The presumption arising under subsection (a1) of this section is not rebutted
solely by the fact that the medical assistance beneficiary was not able to
recover the full amount of all claims.

(3) If the beneficiary meets its burden of rebutting the presumption arising under
subsection (a1) of this section, then the court shall determine the portion of
the recovery that represents compensation for the Medicaid claim and shall
order the beneficiary to pay the amount so determined to the Department in
accordance with subsection (a5) of this section. In making this determination,
the court may consider any factors that it deems just and reasonable.

(4) If the beneficiary fails to rebut the presumption arising under subsection (a1)
of this section, then the court shall order the beneficiary to pay the amount
presumed pursuant to subsection (a1) of this section to the Department in
accordance with subsection (a5) of this section.

\[\ldots\]

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

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

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

PART III-B. SOCIAL SERVICES REFORM

SECTION 12.(a) The lead-in language for Section 3.2(a) of S.L. 2017-41 reads as
rewritten:
"SECTION 3.2.(a) Effective March 1, 2020, July 1, 2020, G.S. 108A-74 reads as rewritten:"

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

"SECTION 40.(c) If House Bill 630, 2017 Regular Session, becomes law, then, effective March 1, 2020, July 1, 2020, G.S. 108A-74, as amended by Sections 3.1(a) and 3.2(a) of that act, Section 3.2(a) of S.L. 2017-41, and by Section 40(a) of this act, reads as rewritten:"
administrative responsibilities with regard to all social services programs other than medical assistance. [subject to the following:]

(1) The mandated performance requirements shall be based upon standardized metrics utilizing data and outcome measures derived from the Social Services System Transparency and Wellness Dashboard and other reliable data sources.

(2) The administrative responsibilities shall address, at a minimum, staff training, data submission to the Department, and communication with the Department.

(3) The written agreement may be standardized or may be tailored to address issues in specific jurisdictions.

(4) The written agreement shall authorize the Department to withhold State or federal funds in the event the department fails to satisfy mandated performance requirements or comply with the terms of the agreement or applicable law.

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

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

(1) The duration of the joint corrective action plan, not to exceed 12 months. If the Secretary determines that the department of social services has not shown measurable progress within six months, or at the half-way point if the duration of the plan is less than 12 months, the Secretary may summarily conclude that the department of social services has failed to successfully complete the joint corrective plan and may proceed with steps necessary to temporarily assume administrative responsibilities of the department of social services. If the Secretary determines the department of social services has shown measurable progress within six months, or at the half-way point if the duration of the plan is less than 12 months, the Secretary may extend the joint corrective action plan by six months, but in no case shall a joint corrective action plan exceed 18 months.

(2) The performance requirements for the department of social services that constitute successful completion of the joint corrective action plan.

(3) A schedule and plan for providing updates to the social services board of social services and county manager regarding the department's progress implementing the corrective action plan.

(4) An acknowledgement that failure to successfully complete the joint corrective action plan shall result in temporary assumption of all or part of the department of social services administration.

(b) If the Secretary determines that a department of social services has failed to successfully complete the joint corrective action plan, then the Secretary shall give the board of county commissioners, the department of social services, the county manager, and the board of social services at least 30 days' notice that the Secretary, through the appropriate regional social services office, Division of Social Services, intends to temporarily assume all or part of the
department's social services administration in accordance with subsection (c) of this section. In
a regional department of social services, notice shall be provided to boards of county
commissioners and county managers for all counties served by the region.

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

During the period the Secretary assumes administration of the social services program, the
following shall occur:

(1) The Secretary, through the appropriate regional office—Division of Social
Services shall administer all or part of the social services program in a county
or region. Administration by the Secretary may include direct operation by the
Department, including supervision of program staff or contracts for operation,
to the extent permitted by federal law.

(2) The department of social services shall be divested of administrative authority
for any component of the program the Secretary assumes.

(3) The director of social services shall be divested of all service delivery powers
conferred upon the director by G.S. 108A-14 and other applicable State law
as it pertains to the programs or services to be assumed. The Secretary may
assign any of the powers and duties of the director of social services to an
employee of the Department or a contractor, as the Secretary deems necessary
and appropriate to continue the provision of services in the county. If the local
director of social services has delegated any authority to staff pursuant to
G.S. 108A-14(b), delegated authority shall remain in effect until the
Secretary, or the Secretary's designee, specifically revokes the delegation.

(4) The Secretary shall direct and oversee the expenditure of all funding for the
administration of the components of the program assumed by the Secretary.

(5) The department of social services county shall not withdraw funds previously
obligated or appropriated for program administration and services. The
department of social services county shall continue to pay the county's or
region's nonfederal share for the program services and administration.

(6) The Secretary shall work with the county and the department of social services
to develop a plan for the department to resume program administration.

(7) The Secretary shall inform the appropriate board or boards of county
commissioners, the county manager or managers, the director of social
services, and the board of social services of key activities and ongoing
concerns during the temporary assumption of social services program
administration.

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

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

(h) If the Secretary determines that a county department of social services is not providing
child protective, foster care, or adoption services in accordance with State law and with
applicable rules adopted by the Social Services Commission, or fails to demonstrate reasonable
efforts to do so, and the failure to provide the services poses a substantial threat to the safety and
welfare of children in the county who receive or are eligible to receive the services, then the
Secretary, after providing written notification of intent to the chair of the county board of
commissioners, to the chair of the county board of social services, and to the county director of
social services, and after providing them with an opportunity to be heard, shall withhold funding
for the particular service or services in question and shall ensure the provision of these services
through contracts with public or private agencies or by direct operation by the Department of
Health and Human Services.

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

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

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

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

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

PART III-C. CHILD SUPPORT ENFORCEMENT PROGRAM COMPLIANCE

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

"§ 110-139. Location of absent parents.

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

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

PART III-D. WORKFORCE INNOVATION AND OPPORTUNITY ACT
COMPLIANCE/VOCATIONAL REHABILITATION

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

§ 143-548. Vocational State Rehabilitation Council.

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

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

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

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

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

(b) The State CFAC shall be composed of 21–27 members. The members shall be
composed exclusively of adult consumers of mental health, developmental disabilities, and
substance abuse services; abuse, and traumatic brain injury services; and family members of
customers of mental health, developmental disabilities, and substance abuse, and
traumatic brain injury services. The terms of members shall be three years, and no member may
serve more than two consecutive terms. Vacancies shall be filled by the appointing authority.
The members shall be appointed as follows:

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

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

(4) Three by the Council of Community Programs, one each of whom shall come from the three State regions for institutional services (Eastern Region, Central Region, and Western Region). The terms of the appointees shall be staggered so that the term of one appointee expires every year.

(5) Three by the North Carolina Association of County Commissioners, one each of whom shall come selected from the three State regions for institutional services (Eastern as follows: one from the Eastern Region, two from the Central Region, and two from the Western Region). The terms of the appointees shall be staggered so that the term of one appointee expires every year.

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

PART III-F. REPEAL EMPLOYEE ASSISTANCE PROFESSIONALS ARTICLE

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

PART III-G. MULTI-ETHNIC PLACEMENT ACT COMPLIANCE/ADOPTION PREPLACEMENT ASSESSMENT MODIFICATIONS

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

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

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

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

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

(1) Age and date of birth, nationality, or ethnicity, and any religious preference;

(2) Marital and family status and history, including the presence of any children born to or adopted by the individual and any other children in the household;

(3) Physical Date of birth and health, including any addiction to alcohol or drugs;

(4) Educational and employment history and any special skills;

(5) Property and income, and current financial information provided by the individual;

(6) Reason for wanting to adopt;

(7) Any previous request for an assessment or involvement in an adoptive placement and the outcome of the assessment or placement;"
Whether the individual has ever been a respondent in a domestic violence proceeding or a proceeding concerning a minor who was allegedly abused, dependent, neglected, abandoned, or delinquent, and the outcome of the proceeding;

Whether the individual has ever been convicted of a crime other than a minor traffic violation;

Whether the individual has located a parent interested in placing a child with the individual for adoption and a brief, nonidentifying description of the parent and the child; and

Any other fact or circumstance that may be relevant to a determination of the individual's suitability to be an adoptive parent, including the quality of the environment in the home and the functioning of any children in the household.

The agency preparing the preplacement assessment may redact from the preplacement assessment provided to a placing parent or guardian detailed information reflecting the prospective adoptive parent's income and financial account balances and social security numbers, and detailed information about the prospective adoptive parent's extended family members, including surnames, names of employers, names of schools attended, social security numbers, telephone numbers and addresses, and other similarly detailed information about extended family members obtained under subsections (b) and (c) of this section.

The most recent amended or updated preplacement assessment that meets the requirements of this section and G.S. 48-3-301(a), including subsequent amendments or partial updates completed as of the time of delivery, shall constitute the preplacement assessment for the purpose of meeting any requirement of this Chapter that a copy of the preplacement assessment be delivered to a court or a placing parent, guardian, or agency.

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

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

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

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

If the agency determines that the individual is not suitable to be an adoptive parent, the preplacement assessment shall state the specific concerns which support that determination. A specific concern is one that reasonably indicates that placement of any minor, or a particular minor, in the home of the individual would pose a significant risk of harm to the well-being of the minor.
(h) In addition to the information and finding required by subsections (c) through (g) of this section, the preplacement assessment must contain a list of the sources of information on which it is based.

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

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

SECTION 18. G.S. 7B-309 reads as rewritten:
"§ 7B-309. Immunity of persons reporting and cooperating in an assessment.
Anyone who makes a report pursuant to this Article, or cooperates with the county department of social services in a protective services assessment; testifies in any judicial proceeding resulting from a protective services report or assessment; provides information or assistance, including medical evaluations or consultation in connection with a report, investigation, or legal intervention pursuant to a good-faith report of child abuse or neglect; or otherwise participates in the program authorized by this Article, is immune from any civil or criminal liability that might otherwise be incurred or imposed for that action provided that the person was acting in good faith. In any proceeding involving liability, good faith is presumed."

PART III-I. DHHS LAW ENFORCEMENT

SECTION 19.(a) G.S. 122C-183 reads as rewritten:
"§ 122C-183. Appointment of employees as police officers who may arrest without warrant.
The director of each State facility may appoint as special police officers the number of employees of their respective facilities they consider necessary. Within the grounds of the State facility the employees appointed as special police officers have all the powers of police officers of cities. They have the same powers as the Secretary, or the Secretary's designee, may assign these special police officers to other State-operated facilities on a temporary basis to carry out the powers allowed under this section and as otherwise provided by laws relating to the specific joint security force to which they are assigned. Upon this temporary assignment, the special police officer will take the oath in G.S. 122C-184 for that specific facility. Following the oath, the police officer has the right to arrest without warrant individuals committing violations of the State law or the ordinances or rules of that facility in their presence and to bring the offenders before a magistrate who shall proceed as in other criminal cases."

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

"§ 122C-421. Joint security force.
(a) The Secretary may designate one or more special police officers who shall make up a joint security force to enforce the law of North Carolina and any ordinance or regulation adopted pursuant to G.S. 143-116.6 or G.S. 143-116.7 or pursuant to the authority granted the Department by any other law on the territory of the Black Mountain Center and the Julian F. Keith Alcohol Rehabilitation Center, and the Juvenile Evaluation Center, all and Drug Abuse Treatment Center in Buncombe County. After taking the oath of office for law enforcement officers as set out in G.S. 11-11, these special police officers have the same powers as peace officers now vested in sheriffs within the territory embraced by the named centers. These special police officers shall also have the power prescribed by G.S. 7B-1900 outside the territory embraced by the named centers but within the confines of Buncombe County. These special police officers may arrest persons outside the territory of the named centers but within the
confines of Buncombe County when the person arrested has committed a criminal offense within
that territory, for which the officers could have arrested the person within that territory, and the
arrest is made during the person’s immediate and continuous flight from that territory.

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

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

SECTION 19.(c) Part 2A of Article 6 of Chapter 122C of the General Statutes reads
as rewritten:
"Part 2A. Broughton Hospital Hospital, Western Regional Vocational Rehabilitation Facility,

§ 122C-430. Joint security force.
(a) The Secretary may designate one or more special police officers who shall make up
a joint security force to enforce the law of North Carolina and any ordinance or regulation
adopted pursuant to G.S. 143-116.6 or G.S. 143-116.7 or pursuant to the authority granted the
Department by any other law on the territory of the Broughton Hospital, North Carolina School
for the Deaf at Morganton (K-12), Western Regional Vocational Rehabilitation Facility, J.
Iverson Riddle Developmental Center, and the surrounding grounds and land adjacent to
Broughton Hospital allocated to the Department of Agriculture and Consumer Services, all in
Burke County. After taking the oath of office for law enforcement officers as set out in
G.S. 11-11, these special police officers have the same powers as peace officers now vested in
sherrifs within the territory embraced by the named facilities. These special police officers may
arrest persons outside the territory of the named institutions but within the confines of Burke
County when the person arrested has committed a criminal offense within that territory for which
the officers could have arrested the person within that territory, and the arrest is made during the
person’s immediate and continuous flight from that territory.

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

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

§ 122C-430.10. Joint security force.
(a) The Secretary may designate one or more special police officers who shall make up
a joint security force to enforce the law of North Carolina and any ordinance or regulation
adopted pursuant to G.S. 143-116.6 or G.S. 143-116.7 or pursuant to the authority granted the
Department by any other law on the territory of the Cherry Hospital and the O’Berry
Neuro-Medical Treatment Center in Wayne County. After taking the oath of office for law
enforcement officers as set out in G.S. 11-11, these special police officers have the same powers
as peace officers now vested in sheriffs within the territory of the Cherry Hospital. These special
police officers shall also have the power prescribed by G.S. 122C-205 outside the territory of the
Cherry Hospital and the O’Berry Neuro-Medical Treatment Center but within the confines of
Wayne County. These special police officers may arrest persons outside the territory of the Cherry Hospital but within the confines of Wayne County, when the person arrested has committed a criminal offense within the territory of the Cherry Hospital, Hospital and the O'Berry Neuro-Medical Treatment Center, for which the officers could have arrested the person within that territory, and the arrest is made during the person's immediate and continuous flight from that territory.

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

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

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

§ 122C-430.30. Joint security force.
(a) The Secretary may designate one or more special police officers who shall make up a joint security force to enforce the law of North Carolina and any ordinance or regulation adopted pursuant to G.S. 143-116.6 or G.S. 143-116.7 or pursuant to the authority granted the Department by any other law on the territory of the Long Leaf Neuro-Medical Treatment Center and the Eastern North Carolina School for the Deaf in Wilson County. After taking the oath of office for law enforcement officers as set out in G.S. 11-11, these special police officers have the same powers as peace officers now vested in sheriffs within the territory embraced by the named facilities. Long Leaf Neuro-Medical Treatment Center. These special police officers may arrest persons outside the territory of the named institutions Long Leaf Neuro-Medical Treatment Center, but within the confines of Wilson County when the person arrested has committed a criminal offense within that territory for which the officers could have arrested the person within that territory, and the arrest is made during the person's immediate and continuous flight from that territory.

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

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

PART III-J. SECURITY RECORDINGS

SECTION 20.(a) G.S. 122C-3, as amended by S.L. 2019-76, reads as rewritten:
"§ 122C-3. Definitions.
The following definitions apply in this Chapter:

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

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

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

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

"§ 122C-56.1. Exceptions; security recordings.
(a) Security recordings are not a public record under Chapter 132 of the General Statutes and are confidential information under this Chapter.
(b) A State facility is not required to disclose its security recordings unless required under federal law or compelled by a court of competent jurisdiction.
(c) A State facility shall allow viewing of security recordings by an internal client advocate.
(d) A State facility may allow viewing of a security recording by a client or their legally responsible person if, in the opinion of the responsible professional, it is determined to be in the best interest of the client."

PART III-K. NC REACH PROGRAM/GUARDIANSHIP

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

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

PART III-L. TRAUMATIC BRAIN INJURY

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

"§ 122C-3. Definitions.
The following definitions apply in this Chapter:

(12a) Developmental disability. — A severe, chronic disability of a person that satisfies all of the following:
a. Is attributable to a mental or physical impairment or combination of mental and physical impairments.
b. Is manifested before the person attains age 22, unless the disability is caused by a traumatic brain injury and is manifested after 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 are of a lifelong or extended duration and are individually planned and 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, a developmental disability 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. 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
June 30, 1973. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

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

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

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

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

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

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

PART IV. EFFECTIVE DATE

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