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Short Title: Social Worker Certification.

(Public)

Sponsors:

Referred to:

April 18, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR MANDATORY CERTIFICATION OF CLINICAL SOCIAL WORKERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90B-3 reads as rewritten:

"§ 90B-3. Definitions.

The following definitions apply in this Chapter:

- (1) Board. – ~~The (a) 'Board' means the~~ North Carolina Certification Board for Social Work.
- (2) Certified 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.
- (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.

- 1 (5) Certified Social Worker. – A person who is certified under this
2 Chapter to practice social work as a social worker and is engaged in
3 the practice of social work.
- 4 (6) Clinical Social Work Practice. – The professional application of social
5 work theory and methods to the psychosocial diagnosis, treatment, or
6 prevention, of emotional and mental disorders. Practice includes the
7 treatment of individuals, couples, families, and groups, including the
8 use of psychotherapy and referrals to and collaboration with other
9 health professionals when appropriate. Clinical social work practice
10 shall not include the provision of supportive daily living services to
11 persons with severe and persistent mental illness as defined in G.S.
12 122C-3(33a).
- 13 (7) Public practice of social work. – To perform or offer to perform
14 services for other people that involve the application of social work
15 values, principles, and techniques in areas such as social work
16 services, consultation and administration, and social work planning
17 and research.
- 18 (8) Social Worker. – A ~~(b) ‘Social worker’ is a person~~ engaging in the
19 public practice of social work who is not certified under this Chapter
20 as a Certified Social Worker, Certified Master Social Worker,
21 Certified Clinical Social Worker-Worker, or Certified Social Work
22 Manager, as defined in this Chapter. ~~Manager.~~
- 23 ~~(e) A person is engaged in the ‘public practice of social work’ who holds himself~~
24 ~~or herself out to the public as a social worker and who offers to perform or does perform~~
25 ~~for other persons, services which involve the application of social work values,~~
26 ~~principles and techniques in areas such as social work services, consultation and~~
27 ~~administration, and social work planning and research.~~
- 28 ~~(d) ‘Certified Social Worker,’ ‘Certified Master Social Worker,’ ‘Certified Social~~
29 ~~Work Manager’ means a person who is engaged in the practice of social work and who~~
30 ~~is certified under subparagraphs (b), (c), (d) and (e), respectively, of G.S. 90B-7."~~

31 Sec. 2. G.S. 90B-4 reads as rewritten:

32 **"§ 90B-4. Prohibitions.**

33 (a) ~~After January 1, 1984, except~~ Except as otherwise provided in this Chapter, it is
34 unlawful for any person who is not certified as a social worker, master social worker, or
35 social work manager under this Chapter, Chapter to represent himself or herself to be
36 certified under this Chapter or hold himself or herself out to the public by any title or
37 description denoting that he or she is certified under this Chapter.

38 (b) After January 1, 1992, except as otherwise provided in this Chapter, it is
39 unlawful to engage in or offer to engage in the practice of clinical social work without
40 first being certified under this Chapter as a clinical social worker.

41 (c) Nothing herein shall prohibit school social workers who are certified by the
42 State Board of Education from practicing school social work under the title ‘Certified
43 School Social Worker.’ Except as provided for certified clinical social workers, Nothing
44 nothing herein shall be construed as prohibiting social workers who are not certified by

1 the North Carolina Certification Board for Social Work from practicing social work.
2 Notwithstanding any other provision of law, Except as provided herein for certified clinical
3 social workers, no agency, institution, board, commission, bureau, department, division,
4 council, member of the Council of State, or officer of the legislative, executive or
5 judicial branches of State government or counties, cities, towns, villages, other
6 municipal corporations, political subdivisions of the State, public authorities, private
7 corporations created by act of the General Assembly or any firm or corporation
8 receiving State funds shall require the obtaining or holding of any certificate issued
9 under this Chapter or the taking of an examination held pursuant to this Chapter as a
10 requirement for obtaining or continuing in employment.

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

13 Sec. 3. G.S. 90B-5 reads as rewritten:

14 **"§ 90B-5. North Carolina Certification Board for Social Work; appointments;**
15 **terms; composition.**

16 (a) For the purpose of carrying out the provisions of this Chapter, there is hereby
17 created the North Carolina Certification Board for Social Work which shall consist of
18 seven members appointed by the Governor ~~in the manner hereinafter prescribed. The~~
19 ~~Governor may remove any member of the Board for neglect of duty or malfeasance or~~
20 ~~conviction of a felony or other crime of moral turpitude, but for no other reason. as follows:~~

21 (1) At least two members of the Board shall be Certified Social Workers
22 ~~except that initial appointees shall be persons who meet the~~
23 ~~educational and experience requirements for certification as Certified~~
24 ~~Social Workers under the provisions of this Chapter; Workers or~~
25 ~~Certified Master Social Workers, two-three~~ members shall be Certified
26 Clinical Social Workers ~~except that initial appointees shall be persons~~
27 ~~who meet the educational and experience requirements for certification~~
28 ~~as Certified Clinical Social Workers under the provisions of this~~
29 ~~Chapter; Workers, and three-two~~ members shall be appointed from the
30 public at large. Composition of the Board as to the race and sex of its
31 members shall reflect the composition of the population of the State of
32 North Carolina.

33 (2) At all times the Board shall include at least one member primarily
34 engaged in social work education, at least one member primarily
35 engaged in social work in the public sector, and at least one member
36 primarily engaged in social work in the private sector.

37 (3) All members of the Board shall be residents of the State of North
38 Carolina, and ~~after the establishment of the initial Board, all members, with~~
39 ~~the exception of the public members, shall be certified by the Board~~
40 ~~under the provisions of this Chapter. Professional members of the~~
41 ~~Board must be actively engaged in the practice of social work or in the~~
42 ~~education and training of students in social work, and have been for at~~
43 ~~least three years prior to their appointment to the Board. Such activity~~

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

3 (b) The Governor may only remove a member of the Board for neglect of duty,
4 malfeasance, or conviction of a felony or other crime of moral turpitude.

5 ~~(4) The term of office of each member of the Board shall be three years;~~
6 ~~provided, however, that of the members first appointed, three shall be~~
7 ~~appointed for terms of one year, two for terms of two years, and two~~
8 ~~for terms of three years. No member shall serve more than two~~
9 ~~consecutive three-year terms.~~

10 (c)~~(5)~~ The term of office of each member of the Board shall be three years. No
11 member shall serve more than two consecutive three-year terms. Each term of service
12 on the Board shall expire on the 30th day of June of the year in which the term expires.
13 As the term of a member expires, the Governor shall make the appointment for a full
14 term, or, if a vacancy occurs for any other reason, for the remainder of the unexpired
15 term.

16 ~~(d)-(6)~~ Members of the Board shall receive compensation for their services and
17 reimbursement for expenses incurred in the performance of duties required by this
18 Chapter, at the rates prescribed in G.S. 93B-5.

19 ~~(e)-(7)~~ The Board may employ, subject to the provisions of Chapter 126 of the
20 General Statutes, the necessary personnel for the performance of its functions, and fix
21 their compensation within the limits of funds available to the Board."

22 Sec. 4. G.S. 90B-7 reads as rewritten:

23 "**§ 90B-7. Titles and qualifications for certificates.**

24 (a) Each person desiring to obtain a certificate from the Board shall make
25 application to the Board upon such forms and in such manner as the Board shall
26 prescribe, together with the required application fee established by the Board.

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

29 (1) Has a bachelor's degree in a social work program from a college or
30 university having a social work program accredited or admitted to
31 candidacy for accreditation by the Council on Social Work Education
32 for undergraduate curricula or has a bachelor's degree in a subject area
33 related to human services and has completed a minimum of 18
34 semester hours of social work training in a social work program
35 accredited or admitted to candidacy for accreditation by the Council on
36 Social Work Education; and

37 (2) Has passed the Board examination for the certification of persons in
38 this classification.

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

41 (1) Has a master's or doctor's degree in a social work program from a
42 college or university having a social work program approved by the
43 Council on Social Work Education; and

1 (2) Has passed the Board examination for the certification of persons in
2 this classification.

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

5 (1) Holds or qualifies for a current certificate as a Certified Master Social
6 Worker; and

7 (2) Shows to the satisfaction of the Board that he or she has had two years
8 of clinical social work experience ~~in a clinical setting~~ with appropriate
9 supervision in the field of specialization in which the applicant will
10 practice; and

11 (3) Has passed the Board examination for the certification of persons in
12 this classification.

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

15 (1) Holds or qualifies for a current certificate as a Certified Social Worker;
16 and

17 (2) Shows to the satisfaction of the Board that he or she has had two years
18 of experience in an administrative setting with appropriate supervision
19 and training; and

20 (3) Has passed the Board examination for the certification of persons in
21 this classification.

22 (f) The Board may issue a provisional certificate in clinical social work to a
23 person who has a master's or doctor's degree in a social work program from a college or
24 university having a social work program approved by the Council on Social Work
25 Education and desires to be certified as a clinical social worker. The provisional
26 certificate may not be issued for a period exceeding two years and the person issued the
27 provisional certificate must practice under the supervision of a certified clinical social
28 worker or a Board-approved alternate."

29 Sec. 5. G.S. 90B-10 reads as rewritten:

30 "**§ 90B-10. Exemption from ~~academic qualifications, certain requirements.~~**

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

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

38 (1) A person who has engaged in clinical social work practice for one year
39 prior to the effective date of this act and who properly applies for and
40 pays the required fees for a certificate as a certified clinical social
41 worker prior to January 1, 1993.

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

- 1 (3) An employee engaged in clinical social work practice exclusively for
2 one of the following employers:
3 a. The State, a political subdivision of the State, or a local
4 government.
5 b. A hospital or health care facility licensed pursuant to Article 2
6 of Chapter 122C of the General Statutes or Articles 5 and 6 of
7 Chapter 131E of the General Statutes."

8 Sec. 6. Chapter 90B of the General Statutes is amended by adding a new
9 section to read:

10 **"§ 90B-14. Third-party reimbursements.**

11 Nothing in this Chapter shall be construed to authorize or require direct third-party
12 reimbursement to persons certified under this Chapter."

13 Sec. 7. Any proposed substantive changes to G.S. 90B-3, 90B-4, 90B-5,
14 90B-7, or 90B-10 shall be reviewed by the Legislative Committee on New Licensing
15 Boards pursuant to G.S. 120-149.3(e).

16 Sec. 8. This act becomes effective January 1, 1992. G.S. 90B-10(b)(3)a. is
17 repealed effective January 1, 1997. The term of the additional Board position for
18 clinical social worker created by this act shall commence upon the expiration of the
19 term of the public member whose term expires first.