

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1157*

Short Title: Social Worker Licensure.

(Public)

Sponsors: Senator Kerr.

Referred to: Finance.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT RECLASSIFYING CERTIFIED CLINICAL SOCIAL WORKERS AS
LICENSED CLINICAL SOCIAL WORKERS AND REVISING THE FEES AND
QUALIFICATIONS FOR CERTIFICATION AND LICENSURE OF SOCIAL
WORKERS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 90B of the General Statutes reads as rewritten:

"CHAPTER 90B.

"SOCIAL WORKER CERTIFICATION AND LICENSURE ACT.

"§ 90B-1. Short title.

This Chapter shall be known as the "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~~ 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 (1) Board. – The North Carolina ~~Certification Board for Social Work.~~ Social
2 Work Certification and Licensure Board.
- 3 (2) ~~Certified-Licensed~~ Clinical Social Worker. – A person who is competent
4 to function independently, who holds himself or herself out to the public
5 as a social worker, and who offers or provides clinical social work
6 services or supervises others engaging in clinical social work practice.
- 7 (3) Certified Master Social Worker. – A person who is certified under this
8 Chapter to practice social work as a master social worker and is engaged
9 in the practice of social work.
- 10 (4) Certified Social Work Manager. – A person who is certified under this
11 Chapter to practice social work as a social work manager and is engaged
12 in the practice of social work.
- 13 (5) Certified Social Worker. – A person who is certified under this Chapter
14 to practice social work as a social worker and is engaged in the practice
15 of social work.
- 16 (6) Clinical Social Work Practice. – The professional application of social
17 work theory and methods to the biopsychosocial diagnosis, treatment, or
18 prevention, of emotional and mental disorders. Practice ~~includes~~
19 includes, by whatever means of communications, the treatment of
20 individuals, couples, families, and groups, including the use of
21 psychotherapy and referrals to and collaboration with other health
22 professionals when appropriate. Clinical social work practice shall not
23 include the provision of supportive daily living services to persons with
24 severe and persistent mental illness as defined in G.S. 122C-3(33a).
- 25 (7) ~~Public-Practice of Social Work.~~ – To perform or offer to perform ~~services~~
26 services, by whatever means of communications, for other people that
27 involve the application of social work values, principles, and techniques
28 in areas such as social work services, consultation and administration,
29 and social work planning and research.
- 30 (8) Social Worker. – A person engaging in the ~~public~~—practice of social
31 work who is not certified or licensed under this Chapter as a Certified
32 Social Worker, Certified Master Social Worker, ~~Certified-Licensed~~
33 Clinical Social Worker, or Certified Social Work Manager.

34 **"§ 90B-4. Prohibitions.**

- 35 (a) Except as otherwise provided in this Chapter, it is unlawful for any person who
36 is not certified as a social worker, master social worker, or social work manager under
37 this Chapter to represent himself or herself to be certified under this Chapter or hold
38 himself or herself out to the public by any title or description denoting that he or she is
39 certified under this Chapter.
- 40 (b) After January 1, 1992, except as otherwise provided in this Chapter, it is
41 unlawful to engage in or offer to engage in the practice of clinical social work without
42 first being ~~certified~~licensed under this Chapter as a clinical social worker.

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

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

16 **§ 90B-5. North Carolina Certification Board for Social Work; Social Work Licensure**
17 **Board; appointments; terms; composition.**

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

21 (1) At least two members of the Board shall be Certified Social Workers or
22 Certified Master Social Workers, three members shall be ~~Certified~~
23 Licensed Clinical Social Workers, and two members shall be appointed
24 from the public at large. Composition of the Board as to the race and sex
25 of its members shall reflect the composition of the population of the
26 State of North Carolina.

27 (2) At all times the Board shall include at least one member primarily
28 engaged in social work education, at least one member primarily
29 engaged in social work in the public sector, and at least one member
30 primarily engaged in social work in the private sector.

31 (3) All members of the Board shall be residents of the State of North
32 Carolina, and with the exception of the public members, shall be
33 certified or licensed by the Board under the provisions of this Chapter.
34 Professional members of the Board must be actively engaged in the
35 practice of social work or in the education and training of students in
36 social work, and have been for at least three years prior to their
37 appointment to the Board. Such activity during the two years preceding
38 the appointment shall have occurred primarily in this State.

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

41 (c) The term of office of each member of the Board shall be three years. No
42 member shall serve more than two consecutive three-year terms. Each term of service on
43 the Board shall expire on the 30th day of June of the year in which the term expires. As

1 the term of a member expires, the Governor shall make the appointment for a full term,
2 or, if a vacancy occurs for any other reason, for the remainder of the unexpired term.

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

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

9 **"§ 90B-6. Functions and duties of the ~~Certification~~ Board.**

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

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

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

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

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

23 ~~(f) The Board shall establish and receive fees not to exceed fifty dollars (\$50.00)~~
24 ~~for initial or renewal application. Fees for the national written examination shall be the~~
25 ~~cost of the examination to the Board plus an additional fee not to exceed fifty dollars~~
26 ~~(\$50.00). The fee for late renewal shall not exceed fifteen dollars (\$15.00). The Board~~
27 ~~shall maintain accounts of all receipts and make expenditures from Board receipts for any~~
28 ~~purpose which is reasonable and necessary for the proper performance of its duties under~~
29 ~~this Chapter.~~

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

40 (h) Subject to the provisions of Chapter 150B of the General Statutes, the Board
41 shall have the power to adopt, amend, or rescind rules and regulations to carry out the
42 purposes of this Chapter, including but not limited to the power to adopt ethical and
43 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.

"§ 90B-6.1. Board general provisions.

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

"§ 90B-6.2 Fees.

(a) The Board shall establish fees not exceeding the following amounts:

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| (1) | <u>All initial applications</u>
<u>\$200.00</u> |
| (2) | <u>Examination Cost plus an amount not to exceed \$40.00</u> |
| (3) <u>Repeated examination or any additional examination</u> | <u>Cost plus an amount not to exceed \$40.00</u> |
| (4) | <u>Renewal applications</u>
<u>200.00</u> |
| (5) | <u>Late fees for renewal</u> <u>50.00</u> |
| (6) | <u>Reinstatement</u> <u>200.00</u> |
| (7) | <u>Duplicate license</u> <u>25.00</u> |
| (8) | <u>Temporary certificate or license</u>
<u>25.00.</u> |

(b) Notwithstanding subdivision (a)(5) of this section, the Board may establish a graduated fee schedule for renewals that is based upon the applicant's level of certification or licensure. The Board may establish reasonable fees for duplication services, materials, and returned bank items. All fees derived from services provided by the Board under the provisions of this Chapter shall be nonrefundable. The Board shall maintain accounts of all receipts to the Board.

"§ 90B-7. Titles and qualifications for ~~certificates~~-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~~ 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 accredited or admitted to candidacy for accreditation by the Council on Social Work Education for undergraduate ~~curricula~~ or has a bachelor's degree in a subject area related to human services and has completed a minimum of 18 semester hours

1 of social work training in a social work program accredited or admitted to
2 candidacy for accreditation by the Council on Social Work Education; and
3 curricula.

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

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

8 (1) Has a ~~master's~~-masters or ~~doctor's~~-doctoral degree in a social work
9 program from a college or university having a social work program
10 approved by the Council on Social Work Education; and Education.

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

13 (d) The Board shall issue a ~~certificate~~-license as a "~~Certified~~-Licensed Clinical
14 Social Worker" to an applicant ~~who~~; who meets the following qualifications:

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

17 (2) Shows to the satisfaction of the Board that he or she has had two years
18 of clinical social work experience with appropriate supervision in the
19 field of specialization in which the applicant will ~~practice;~~ and practice.

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

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

24 (1) Holds or qualifies for a current certificate as a Certified Social ~~Worker;~~
25 and Worker.

26 (2) Shows to the satisfaction of the Board that he or she has had two years
27 of experience in an administrative setting with appropriate supervision
28 and ~~training;~~ and training.

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

31 (f) The Board may issue a provisional ~~certificate~~-license in clinical social work to a
32 person who has a ~~master's~~-masters or ~~doctor's~~-doctoral degree in a social work program
33 from a college or university having a social work program approved by the Council on
34 Social Work Education and desires to be ~~certified~~-licensed as a clinical social worker.
35 The provisional ~~certificate~~-license may not be issued for a period exceeding two years and
36 the person issued the provisional ~~certificate~~-license must practice under the supervision of
37 a ~~certified~~-licensed clinical social worker or a Board-approved alternate.

38 **"§ 90B-8. Persons from other jurisdictions.**

39 (a) The Board may grant a certificate without examination or by special
40 examination to any person who, at the time of application, is certified, registered or
41 licensed as a social worker by a similar board of another country, state, or territory whose
42 certification, registration or licensing standards are substantially equivalent to those
43 required by this Chapter. The applicant shall have passed an examination in the country,

1 state, or territory in which he or she is certified, registered, or licensed that is equivalent
2 to the examination required for the level of certification or licensure sought in this State.

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

12 **"§ 90B-9. Renewal of ~~certificates.~~ certificates and licenses.**

13 (a) All certificates and licenses shall be effective upon date of issuance by the
14 Board, and shall ~~expire~~ be renewed on or before the second June 30 thereafter.

15 (b) All certificates and licenses issued hereunder shall be renewed at the times and
16 in the manner provided by this section. At least 45 days prior to expiration of each
17 ~~certificate, certificate or license,~~ the Board shall mail a notice and application for ~~certificate~~
18 renewal to the ~~person certified for the current certification period.~~ certificate holder or
19 licensee. Prior to the expiration date, the ~~applicant must return the notice~~ application shall
20 be returned properly completed, together with a renewal fee established by the Board
21 pursuant to G.S. 90B-6.2(a)(5) and evidence of completion of the continuing education
22 requirements established by the Board ~~under~~ pursuant to G.S. 90B-6(g), upon receipt of
23 which the Board shall ~~issue to the person to be certified the renewed certificate for the period~~
24 ~~stated on the certificate.~~ renew the certificate or license. If a certificate or license is not
25 renewed on or before the expiration date, an additional fee shall be charged for late
26 renewal as provided in G.S. 90B-6.2(a)(6).

27 (c) ~~Any person certified who allows his certificate to lapse for failure to apply for~~
28 ~~renewal within 45 days after notice shall have his or her certificate automatically~~
29 ~~suspended, and be subject to a late renewal fee as established pursuant to G.S. 90B-6(f),~~
30 ~~and if he or she fails to apply for renewal of a certificate within one year after date of~~
31 ~~such suspension, the certificate shall lapse and may be reissued only upon application as~~
32 ~~for an original certificate.~~ A certificate or license issued under this Chapter shall be
33 automatically suspended for failure to renew for a period of more than 60 days after the
34 renewal date. The Board may reinstate a certificate or license suspended under this
35 subsection upon payment of a reinstatement fee as provided in G.S. 90B-6.2(a)(7), and
36 may require that the applicant file a new application, furnish new supervisory reports or
37 references or otherwise update his or her credentials, or submit to examination for
38 reinstatement. The Board shall have exclusive jurisdiction to investigate alleged
39 violations of this Chapter by any person whose certificate or license has been suspended
40 under this subsection and, upon proof of any violation of this Chapter, the Board may
41 take disciplinary action as provided in G.S. 90B-11.

42 (d) Any person certified or licensed and desiring to retire temporarily from the
43 practice of social work shall send written notice thereof to the Board. Upon receipt of

1 such notice, his or her name shall be placed upon the nonpracticing list and he or she
2 shall not be subject to payment ~~or of renewal fees.~~ fees while temporarily retired. In order
3 to ~~renew certification, application for renewal shall be made in ordinary course with a renewal~~
4 ~~fee for the current period.~~ reinstate certification or licensure, the person shall apply to the
5 Board by making a request for reinstatement and paying the appropriate fee as provided
6 in G.S. 90B-6.2.

7 **"§ 90B-10. Exemption from certain requirements.**

8 (a) Applicants who were engaged in the practice of social work before January 1,
9 1984, shall be exempt from the academic qualifications required by this act for Certified
10 Social Workers and Certified Social Work Managers and shall be certified upon passing
11 the Board examination and meeting the experience requirements, if any, for certification
12 of persons in that classification.

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

15 (1) A person who has engaged in clinical social work practice for one year
16 prior to the effective date of this act and who properly applies for and
17 pays the required fees for a certificate as a certified clinical social
18 worker prior to January 1, 1993. Notwithstanding the foregoing
19 provision of this subdivision, any applicant who applied for certification
20 pursuant to this subdivision between December 1, 1993, and January 15,
21 1994, and who is otherwise eligible for certification under this
22 subdivision but for the January 1, 1993, deadline shall be certified.

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

26 (3) An employee engaged in clinical social work practice exclusively for
27 one of the following employers:

28 a. **(Effective until January 1, 1999)** The State, a political
29 subdivision of the State, or a local government.

30 b. A hospital or health care facility licensed pursuant to Article 2 of
31 Chapter 122C of the General Statutes or Articles 5 and 6 of
32 Chapter 131E of the General Statutes.

33 **"§ 90B-11. Disciplinary procedures.**

34 (a) The Board may, in accordance with the provisions of Chapter 150B of the
35 General Statutes, ~~refuse to grant or to renew, may suspend, or may revoke the certificate~~
36 ~~of any person certified under this Chapter on the following grounds: deny, suspend, or~~
37 revoke an application, certificate, or license on any of the following grounds:

38 (1) Conviction of a misdemeanor or the entering of a plea of guilty or nolo
39 contendere to a misdemeanor under this Chapter; or Chapter.

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

- 1 (3) Gross unprofessional conduct, dishonest practice or incompetence in the
2 practice of social ~~work~~; ~~or work~~.
- 3 (4) Procuring or attempting to procure a certificate or license by fraud,
4 deceit, or ~~misrepresentation~~; ~~or misrepresentation~~.
- 5 (5) Any fraudulent or dishonest conduct in social ~~work~~; ~~or work~~.
- 6 (6) Inability of the person to perform the functions for which he or she is
7 certified, or substantial impairment of abilities by reason of physical or
8 mental ~~disability~~; ~~or disability~~.
- 9 (7) Violations of any of the provisions of this Chapter or of rules of the
10 Board.

11 (b) Instead of denying, suspending, or revoking an application, certificate, or
12 license, the Board may take the following action if an applicant, certificate holder, or
13 licensee has committed an act described in subsection (a) of this section:

- 14 (1) Issue a reprimand or censure.
- 15 (2) Order probation with conditions deemed appropriate by the Board.
- 16 (3) Require examination, remediation, or rehabilitation, including care,
17 counseling, or treatment by a professional designated or approved by the
18 Board, the cost of which shall be borne by the applicant, certificate
19 holder, or licensee.
- 20 (4) Require supervision for the services provided by the applicant,
21 certificate holder, or licensee by a certified or licensed social worker
22 designated and approved by the Board, the cost of which shall be borne
23 by the applicant, certificate holder, or licensee.
- 24 (5) Limit or circumscribe the practice of social work provided by the
25 applicant, certificate holder, or licensee with respect to the extent,
26 nature, or location of the services provided.
- 27 (6) Impose a combination of the acts authorized in subdivisions (1) through
28 (5) of this subsection.

29 (c) The Board may impose conditions of probation or restrictions upon continued
30 practice at the conclusion of a period of suspension or as a requirement for the restoration
31 of a revoked or suspended certificate or license. Instead of or in connection with any
32 disciplinary proceeding or investigation, the Board may enter into a consent order with an
33 applicant, certificate holder, or licensee relative to a discipline, supervision, probation,
34 remediation, rehabilitation, or practice limitation.

35 (d) In considering whether an applicant, certificate holder, or licensee is mentally
36 or physically capable of practicing social work with reasonable skill and safety, the Board
37 may require an applicant, certificate holder, or licensee to submit to a mental examination
38 by a licensed clinical social worker or other licensed mental health professional
39 designated by the Board and to a physical examination by a physician or other licensed
40 health professional designated by the Board. The examination may be ordered by the
41 Board before or after charges are presented against the applicant, certificate holder, or
42 licensee and the results of the examination shall be reported directly to the Board and
43 shall be admissible in evidence in a hearing before the Board.

1 (e) The Board shall provide the opportunity for a hearing under Article 3A of
2 Chapter 150B of the General Statutes to: (i) any person whose certification or licensure
3 was denied or granted subject to restrictions, probation, disciplinary action, remediation,
4 or other conditions or limitations; and (ii) any certificate holder or licensee before
5 revoking or suspending his or her certificate or license or restricting his or her practice or
6 imposing any other disciplinary action or remediation. If the applicant, certificate holder,
7 or licensee waives the opportunity for a hearing, the Board's denial, revocation,
8 suspension, or other action shall be final. No applicant, certificate holder, or licensee
9 shall be entitled to a hearing for failure to pass a qualifying examination.

10 (f) In any proceeding before the Board, complaint or notice of charges against any
11 applicant, certificate holder, or licensee, and any decision rendered by the Board, the
12 Board may withhold from public disclosure the identity of any client who has not
13 consented to the public disclosure of social work services provided to him or her by the
14 applicant, certificate holder, or licensee. If necessary for the protection and rights of a
15 client and the full presentation of relevant evidence, the Board may close a hearing to the
16 public and receive evidence involving or concerning the delivery of social work services.

17 (g) Records, papers, and other documents containing information collected and
18 compiled by or on behalf of the Board as a result of an investigation, inquiry, or interview
19 conducted in connection with certification, licensure, or a disciplinary matter shall not be
20 considered public records within the meaning of Chapter 132 of the General Statutes.
21 Any notice or statement of charges, notice of hearing, or decision rendered in connection
22 with a hearing, shall be a public record. Information that identifies a client who has not
23 consented to the public disclosure of services rendered to him or her by a person certified
24 or licensed under this Chapter shall be deleted from the public record. All other records,
25 papers, and documents containing information collected and compiled by or on behalf of
26 the Board shall be public records, but any information that identifies a client who has not
27 consented to the public disclosure of services rendered to him or her shall be deleted.

28 (h) The Board may assess the costs of disciplinary action against an applicant,
29 certificate holder, or licensee found to be in violation of this Chapter.

30 **"§ 90B-12. Violation a misdemeanor.**

31 Any person violating any provision of this Chapter is guilty of a Class 2
32 misdemeanor.

33 **"§ 90B-13. Injunction.**

34 As an additional remedy, the Board may proceed in a superior court to enjoin and
35 restrain any person from violating the prohibitions of this Chapter. The Board shall not be
36 required to post bond in connection with such proceeding.

37 **"§ 90B-14. Third-party reimbursements.**

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

40 Section 2. This act is effective when it becomes law.