

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS15103-LUfqq-9 (11/30)

Short Title: Amend NC Substance Abuse Act.

(Public)

Sponsors: Senator Nesbitt.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE LICENSURE OF SUBSTANCE ABUSE PROFESSIONALS, TO ESTABLISH THE CREDENTIAL OF CERTIFIED CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL, AND TO ALLOW THE DEPARTMENT OF JUSTICE TO CONDUCT CRIMINAL HISTORY RECORD CHECKS FROM STATE AND NATIONAL REPOSITORIES OF CRIMINAL HISTORY OF APPLICANTS FOR CREDENTIALS UPON THE REQUEST OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Article 5C of Chapter 90 of the General Statutes reads as rewritten:

"Article 5C.

"North Carolina Substance Abuse ~~Professionals Certification~~ Professional Practice Act.

§ 90-113.30. Declaration of purpose.

The North Carolina Substance Abuse Professional ~~Certification~~ Practice Board, established by G.S. 90-113.32, is recognized as the ~~certifying, registering, certifying, and licensing~~ certifying, registering, certifying, and licensing authority for substance abuse 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 ~~certified-credentialed~~ certified-credentialed substance abuse professionals, to provide for the establishment of standards for the education of ~~certified-credentialed~~ certified-credentialed substance abuse professionals, and to ensure the availability of ~~certified-credentialed~~ certified-credentialed substance abuse 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-certified~~ Board-credentialed persons offering substance abuse counseling

1 services, substance abuse prevention services, or any other substance abuse services for
2 which the Board may grant ~~certification, registration, certification, or licensure.~~

3 ~~"90-113.31. Definitions.~~

4 The following definitions shall apply in this Article:

5 (1) ~~Approved supervisor. — A person who provides supervision as required~~
6 ~~by the Board to persons applying for registration or certification as a~~
7 ~~substance abuse professional pursuant to this Article.~~

8 (1a) ~~Board. — The North Carolina Substance Abuse Professional~~
9 ~~Certification Board.~~

10 (1b) ~~Certified clinical addictions specialist. — A person certified by the~~
11 ~~Board to practice as a clinical addictions specialist in accordance with~~
12 ~~the provisions of this Article.~~

13 (1c) ~~Certified clinical supervisor. — A person certified by the Board to~~
14 ~~practice as a clinical supervisor in accordance with the provisions of~~
15 ~~this Article.~~

16 (1d) ~~Certified residential facility director. — A person certified by the Board~~
17 ~~to practice as a residential facility director in accordance with the~~
18 ~~provisions of this Article.~~

19 (2) ~~Certified substance abuse counselor. — A person certified by the Board~~
20 ~~to practice as a substance abuse counselor in accordance with the~~
21 ~~provisions of this Article.~~

22 (3) ~~Repealed by S.L. 1997-492, s. 2.~~

23 (3a) ~~Certified substance abuse prevention consultant. — A person certified~~
24 ~~by the Board to practice substance abuse prevention in accordance~~
25 ~~with the provisions of this Article.~~

26 (4) ~~Clinical supervisor intern. — A person designated by the Board to~~
27 ~~practice as a clinical supervisor intern for a period not to exceed three~~
28 ~~years without a showing of good cause in accordance with the~~
29 ~~provisions of this Article.~~

30 (4a) ~~Credentialing body. — A board that licenses, certifies, or regulates a~~
31 ~~profession or practice.~~

32 (4b) ~~Deemed status. — Recognition by the Board of the credentials offered~~
33 ~~by a professional discipline whereby the individuals certified, licensed,~~
34 ~~or otherwise recognized by the discipline as having met the standards~~
35 ~~of a substance abuse specialist may apply individually for certification~~
36 ~~as a certified clinical addictions specialist.~~

37 (4c) ~~Human services field. — An area of study that focuses on the~~
38 ~~biological, psychological, and social aspects of human beings.~~

39 (4d) ~~Repealed by Session Laws 1999-164, s. 1.~~

40 (5) ~~Prevention. — The reduction, delay, or avoidance of alcohol and of~~
41 ~~other drug use behavior. "Prevention" includes the promotion of~~
42 ~~positive environments and individual strengths that contribute to~~
43 ~~personal health and well-being over an entire life and the development~~

1 of strategies that encourage individuals, families, and communities to
2 take part in assessing and changing their lifestyle and environments.

3 (6) ~~Professional discipline. — A field of study characterized by the
4 technical, educational, and ethical standards of a profession.~~

5 (6a) ~~Registrant. — A person who has initiated a certification process to
6 become a certified substance abuse counselor or a certified clinical
7 addictions specialist pursuant to this Article and is authorized to
8 provide DWI assessments pursuant to G.S. 122C-142.1.~~

9 (7) ~~Substance abuse counseling. — The assessment, evaluation, and
10 provision of counseling to persons suffering from substance, drug, or
11 alcohol abuse or dependency.~~

12 (7a) ~~Substance abuse counselor intern. — A person who successfully
13 completes 300 hours of Board approved supervised practical training
14 and a written examination in pursuit of certification as a substance
15 abuse counselor.~~

16 (8) ~~Substance abuse professional. — A certified substance abuse counselor,
17 certified substance abuse prevention consultant, certified clinical
18 supervisor, certified clinical addictions specialist, or certified
19 residential facility director.~~

20 **"§ 90-113.31A. Definitions.**

21 The following definitions shall apply in this Article:

22 (1) Applicant. — A person who has initiated a process to become a
23 substance abuse professional pursuant to this Article.

24 (2) Applicant supervisor. — A person who provides supervision as required
25 by the Board to persons applying for registration, certification, or
26 licensure as a substance abuse professional pursuant to this Article.

27 (3) Board. — The North Carolina Substance Abuse Professional Practice
28 Board.

29 (4) Certified clinical supervisor. — A person certified by the Board to
30 practice as a clinical supervisor in accordance with the provisions of
31 this Article.

32 (5) Certified criminal justice addictions professional. — A person certified
33 by the Board to practice as a criminal justice addictions professional
34 who under supervision provides direct services to clients or offenders
35 exhibiting substance abuse disorders and works in a program
36 determined by the Board to be involved in a criminal justice setting.

37 (6) Certified substance abuse counselor. — A person certified by the Board
38 to practice under the supervision of a practice supervisor as a
39 substance abuse counselor in accordance with the provisions of this
40 Article.

41 (7) Certified substance abuse prevention consultant. — A person certified
42 by the Board to practice substance abuse prevention in accordance
43 with the provisions of this Article.

- 1 (8) Certified substance abuse residential facility director. – A person
2 certified by the Board to practice as a substance abuse residential
3 facility director in accordance with the provisions of this Article.
- 4 (9) Clinical addictions specialist intern. – A person who successfully
5 completes 300 hours of Board-approved supervised practical training
6 and passes a written examination in pursuit of licensure as a clinical
7 addictions specialist.
- 8 (10) Clinical supervisor intern. – A person designated by the Board to
9 practice as a clinical supervisor under the supervision of a certified
10 clinical supervisor for a period not to exceed three years without a
11 showing of good cause in accordance with the provisions of this
12 Article.
- 13 (11) Counseling. – The utilization of special skills to assist individuals,
14 families, or groups in achieving objectives, including the following:
15 a. Exploring a problem and its ramifications.
16 b. Examining attitudes and feelings.
17 c. Considering alternative solutions.
18 d. Decision making.
- 19 (12) Credential. – Any registration, certification, or license issued by the
20 Board.
- 21 (13) Credentialing body. – A board that licenses, certifies, registers, or
22 otherwise regulates a profession or practice.
- 23 (14) Criminal history. – A history of conviction of a State crime, whether a
24 misdemeanor or felony, that bears on an applicant's fitness for
25 licensure to practice substance abuse professional services. The crimes
26 include the criminal offenses set forth in any of the following Articles
27 of Chapter 14 of the General Statutes: Article 5, Counterfeiting and
28 Issuing Monetary Substitutes; Article 5A, Endangering Executive and
29 Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other
30 Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and
31 Abduction; Article 13, Malicious Injury or Damage by Use of
32 Explosive or Incendiary Device or Material; Article 14, Burglary and
33 Other Housebreakings; Article 15, Arson and Other Burnings; Article
34 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article
35 19, False Pretenses and Cheats; Article 19A, Obtaining Property or
36 Services by False or Fraudulent Use of Credit Device or Other Means;
37 Article 19B, Financial Transaction Card Crime Act; Article 20,
38 Frauds; Article 21, Forgery; Article 26, Offenses Against Public
39 Morality and Decency; Article 26A, Adult Establishments; Article 27,
40 Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31,
41 Misconduct in Public Office; Article 35, Offenses Against the Public
42 Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection
43 of Minors; Article 40, Protection of the Family; Article 59, Public
44 Intoxication; and Article 60, Computer-Related Crime. The crimes

1 also include possession or sale of drugs in violation of the North
2 Carolina Controlled Substances Act in Article 5 of Chapter 90 of the
3 General Statutes and alcohol-related offenses including sale to
4 underage persons in violation of G.S. 18B-302 or driving while
5 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5.

6 (15) Deemed status. – Recognition by the Board of the credentials offered
7 by a professional discipline whereby the individuals certified, licensed,
8 or otherwise recognized by the discipline as having met the standards
9 of a clinical addictions specialist may apply individually for licensure
10 as a licensed clinical addictions specialist.

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

17 (17) Human services field. – An area of study that focuses on the
18 biological, psychological, behavioral, and social aspects of human
19 welfare with focus on the direct services designed to improve it.

20 (18) Independent study. – Any course of study that is not traditional
21 classroom-based that must be preapproved by the Board or any
22 organization that has deemed status with the Board.

23 (19) Licensed clinical addictions specialist. – A person licensed by the
24 Board to practice as a clinical addictions specialist in accordance with
25 the provisions of this Article.

26 (20) Practice supervisor. – A certified clinical supervisor, clinical
27 supervisor intern, or licensed clinical addictions specialist who
28 provides oversight and responsibility in a face-to-face capacity for
29 each certified substance abuse counselor or criminal justice addictions
30 professional.

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

37 (22) Professional discipline. – A field of study characterized by the
38 technical, educational, and ethical standards of a profession.

39 (23) Registrant. – A person who completes all requirements to be registered
40 with the Board and is supervised by a certified clinical supervisor or
41 clinical supervisor intern.

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

1 (25) Substance abuse counselor intern. – A person who successfully
2 completes 300 hours of Board-approved supervised practical training
3 and passes a written examination in pursuit of credentialing as a
4 substance abuse counselor.

5 (26) Substance abuse professional. – A registrant, certified substance abuse
6 counselor, substance abuse counselor intern, certified substance abuse
7 prevention consultant, certified clinical supervisor, clinical addictions
8 specialist intern, licensed clinical addictions specialist, certified
9 substance abuse residential facility director, or certified criminal
10 justice addictions professional.

11 **"§ 90-113.31B. Scope of practice.**

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

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

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

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

34 (4) The practice of licensed clinical addictions specialist may be
35 independent and consists of the Twelve Core Functions, including
36 screening, intake, orientation, assessment, treatment planning,
37 counseling, case management, crisis intervention, client education,
38 report and record keeping, consultation with other professionals in
39 regard to client treatment and services, referral to reduce the conditions
40 that place individuals at risk of developing addictive disorder or
41 disease with co-occurring disorders, and treatment for addictive
42 disorder or disease. The licensed clinical addictions specialist may
43 provide supervision to maintain a professional credential as defined by
44 this Article.

- 1 (5) The practice of certified substance abuse residential facility director is
2 a voluntary credential and consists of the Twelve Core Functions,
3 including screening, intake, orientation, assessment, treatment
4 planning, counseling, case management, crisis intervention, client
5 education, record and record keeping, consultation with professionals
6 in regard to client treatment and services, referral to prevent or reduce
7 the conditions that place individuals at increased risk of developing
8 addictive disorder or disease, treatment for addictive disorder or
9 disease, and the prevention of relapse as well as academic management
10 training.
- 11 (6) The practice of certified criminal justice addictions professional is
12 based on knowledge in the performance domains of dynamics of
13 addiction in criminal behavior; legal, ethical, and professional
14 responsibility; criminal justice system and processes; screening, intake,
15 and assessment; case management; monitoring; and client supervision
16 and counseling to prevent or reduce the conditions that place
17 individuals at increased risk of developing addictive disorder or
18 disease, treat addictive disorder or disease, and help prevent relapse.

19 **"§ 90-113.32. Board; composition; voting.**

20 (a) The Board is created as the ~~certifying~~ authority for ~~substance abuse~~
21 ~~counselors, substance abuse prevention consultants, clinical supervisors, clinical~~
22 ~~addictions specialists, and residential facility directors~~to credential substance abuse
23 professionals in North Carolina.

24 (b) Until the full Board is elected or appointed pursuant to subsection (c) of this
25 section, the Board shall consist of 16 members with one member appointed by the
26 General Assembly upon the recommendation of the Speaker of the House of
27 Representatives in accordance with G.S. 120-121, and one member appointed by the
28 General Assembly upon the recommendation of the President Pro Tempore of the
29 Senate in accordance with G.S. 120-121. The remaining 14 shall be those members of
30 the current North Carolina Substance Abuse Professional ~~Certification-Practice~~ Board,
31 Inc., who have terms that are unexpired as of the effective date of this Article. The
32 initial Board shall appoint an initial Nominating and Elections Committee to fill
33 immediate vacancies on the Board, using the process established in subsection (d) of
34 this section. The election and appointment process of the initial Board shall result in a
35 Board of 19 members by April 1, 1995. As these initial members' terms expire, their
36 successors shall be appointed as described in subsection (c) of this section, until the
37 permanent Board is established, as described in subsection (c) of this section. Time
38 spent as an initial member counts in determining the limitation on consecutive terms
39 prescribed in subsection (e) of this section.

40 (c) After the initial Board members' terms expire, the Board shall consist of the
41 following members, all of whom shall reside in North Carolina, appointed or elected as
42 follows:

- 43 (1) Eleven professionals ~~certified-credentialed~~ pursuant to this Article and
44 elected by the ~~certified-credentialed~~ professionals, at least two of

1 whom shall serve each of the four Division of Mental Health,
2 Developmental Disabilities, and Substance Abuse Services regions of
3 the State. Three members shall serve as members at large.

4 (2) Three members at large chosen from laypersons or other professional
5 disciplines who have shown a special interest in the field of substance
6 abuse, nominated by the Nominating and Elections Committee
7 established by subsection (d) of this section and elected by the Board.

8 (3) Two members from the Division of Mental Health, Developmental
9 Disabilities, and Substance Abuse Services, Department of Health and
10 Human Services, appointed by the Chief of ~~Substance Abuse Services~~
11 ~~Section, Division of Mental Health, Developmental Disabilities, and~~
12 ~~Substance Abuse Services, Department of Health and Human~~
13 ~~Services,~~ the North Carolina Substance Abuse Single State Agency, at
14 least one of whom is from the ~~Substance Abuse Services~~
15 ~~Section~~ administers substance abuse services.

16 (4) One member of the public at large appointed by the Governor.

17 (5) One member of the public at large appointed by the General Assembly
18 upon the recommendation of the Speaker of the House of
19 Representatives in accordance with G.S. 120-121 and one member of
20 the public at large appointed by the General Assembly upon the
21 recommendation of the President Pro Tempore of the Senate in
22 accordance with G.S. 120-121.

23 (6) One member shall represent each of the professional disciplines
24 granted deemed status under G.S. 90-113.41A. The member may be
25 appointed by the professional discipline on or before a date set by the
26 Board. If the professional discipline has at least one association in the
27 State, the member shall be chosen from a list of nominees submitted to
28 the association. The members appointed or elected under this
29 subdivision shall be certified as substance abuse specialists by the
30 professional discipline that the members represent.

31 No member of the General Assembly shall serve on the Board.

32 (c1) Every member of the Board shall have the right to vote on all matters before
33 the Board, except for the President who shall vote only in case of a tie or when another
34 member of the Board abstains on the question of whether the professional discipline the
35 member represents shall retain its deemed status.

36 (d) The Board shall appoint five professionals from the field of substance abuse
37 counseling and substance abuse prevention consulting to serve on the Nominating and
38 Elections Committee. Of these five, at least three shall not be members of the Board.
39 The Board shall appoint a member of the Nominating and Elections Committee to serve
40 as chair. The Committee's purpose is to accept nominations from professionals certified
41 or licensed by the Board to fill vacancies on the Board in membership categories
42 prescribed by subdivisions (1) and (2) of subsection (c) of this section and to conduct
43 the election of Board members. The Committee shall solicit nominations from all
44 professionals it has certified or licensed under this Article when elected members' terms

1 are due to expire. The certified or licensed professionals shall submit to the Committee
2 all nominations beginning 90 days and ending ~~14-28~~ days before the election of new
3 Board members. The Committee shall furnish all certified or licensed professionals with
4 a ballot containing all the nominees for each elected Board member vacancy. In
5 soliciting and making nominations for this process, the Committee shall give
6 consideration to factors that promote representation on the Board by professionals
7 certified or licensed by the Board. The Committee shall serve for a two-year term, its
8 successors to be appointed for the same term by the Board.

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

16 (f) If a member becomes ineligible to serve on the Board for any reason, except
17 when the member has committed an ethical violation that results in the suspension or
18 revocation of the member's professional credentials, ~~the~~ that member may fulfill the
19 remainder of ~~the member's~~ his or her term on the Board.

20 **"§ 90-113.33. Board; powers and duties.**

21 The Board shall:

- 22 (1) Examine and determine the qualifications and fitness of applicants for
23 certification and licensure to practice in this State.
- 24 (1a) Determine the qualifications and fitness of organizations applying for
25 deemed status.
- 26 (2) Issue, renew, deny, suspend, or revoke ~~certification—licensure,~~
27 certification, or registration to practice in this State or reprimand or
28 otherwise discipline ~~certificate—a license, certificate,~~ or registration
29 ~~holders—holder~~ in this State. ~~Denial of an applicant's certification or~~
30 ~~registration or the granting of certification or registration on a~~
31 ~~probationary or other conditional status shall be subject to substantially~~
32 ~~the same rules and procedures prescribed by the Board for review and~~
33 ~~disciplinary actions against those persons holding certificates or~~
34 ~~registrations. Disciplinary actions involving a clinical addictions~~
35 ~~specialist whose certification is achieved through deemed status shall~~
36 ~~be initially heard by the specialist's credentialing body. The specialist~~
37 ~~may appeal the body's decision to the Board. The Board shall,~~
38 ~~however, have the authority to hear the initial disciplinary action~~
39 ~~involving a clinical addictions specialist.~~
- 40 (3) Deal with issues concerning reciprocity.
- 41 (4) Conduct investigations for the purpose of determining whether
42 violations of this Article or grounds for disciplining exists.
- 43 (5) Employ ~~the professional and clerical~~ and fix the compensation of
44 personnel and legal counsel that the Board determines is necessary to

1 carry out the provisions of this Article. The Board may purchase or
2 rent necessary office space, equipment, and supplies.

3 (6) Conduct administrative hearings in accordance with Chapter 150B of
4 the General Statutes when a "contested case", as defined in Chapter
5 150B, arises.

6 (7) Appoint from its own membership one or more members to act as
7 representatives of the Board at any meeting in which it considers this
8 representation is desirable.

9 (8) Establish fees for applications for examination, registration,
10 certificates of ~~certification~~ certification, licensure, and renewal, and
11 other services provided by the Board.

12 (9) Adopt any rules necessary to carry out the purpose of this Article and
13 its duties and responsibilities pursuant to this Article.

14 (10) Request that the Department of Justice conduct criminal history record
15 checks of applicants for registration, certification, or licensure
16 pursuant to G.S. 114-19.11A.

17 The powers and duties enumerated in this section are granted for the purposes of
18 enabling the Board to safeguard the public health, safety, and welfare against
19 unqualified or incompetent practitioners and are to be liberally construed to accomplish
20 this objective. When the Board exercises its authority under this Article to discipline a
21 person, it may, as part of the decision imposing the discipline, charge the costs of
22 investigations and the ~~hearing~~ hearing, including attorneys' fees, to the person
23 disciplined.

24 **"§ 90-113.33A. Officers may administer oaths, and subpoena witnesses, records,**
25 **and other materials.**

26 The President or other presiding officer of the Board may administer oaths to all
27 persons appearing before it as the Board may deem necessary to perform its duties, and
28 may summon and issue subpoenas for the appearance of any witnesses deemed
29 necessary to testify concerning any matter to be heard before or inquired into by the
30 Board. The Board may order that any client records, documents, or other materials
31 concerning any matter to be heard before or inquired into by the Board shall be
32 produced before the Board or made available for inspection, notwithstanding any other
33 provisions of law providing for the application of any counselor-client or
34 physician-patient privilege with respect to such records, documents, or other materials.
35 All records, documents, or other materials compiled by the Board are subject to the
36 provisions of G.S. 90-113.34, except that in any proceeding before the Board, record of
37 any hearing before the Board, and notice of charges against any person ~~certified~~
38 credentialed by the Board, the Board shall withhold from public disclosure the identity
39 of a client, including information relating to dates and places of treatment, or any other
40 information that tends to identify the client unless the client or the client's representative
41 has expressly consented to the disclosure. Upon written request, the Board shall revoke
42 a subpoena if, upon a hearing, it finds that the evidence sought does not relate to a
43 matter in issue, the subpoena does not describe the evidence with sufficient
44 particularity, or the subpoena is invalid.

1 **"§ 90-113.34. Records to be kept; copies of records.**

2 (a) The Board shall keep a regular record of its proceedings, together with the
3 names of the members of the Board present, the names of the applicants for registration,
4 certification, and licensure as well as other information relevant to its actions. The
5 Board shall cause a record to be kept that shall show the name, last known place of
6 business, last known place of residence, and date and number of the ~~certificate of~~
7 ~~certification as a certified substance abuse counselor, certified substance abuse~~
8 ~~prevention consultant, certified clinical supervisor, certified clinical addictions~~
9 ~~specialist, or certified residential facility director for every living certified~~
10 ~~person.~~credential assigned to each substance abuse professional meeting the standards
11 set forth in this Article. Any interested person in the State is entitled to obtain a copy of
12 ~~that record on~~board records upon application to the Board and ~~upon~~ payment of a
13 reasonable charge that is based on the costs involved in providing the copy.

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

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

33 **"§ 90-113.35. Disposition of funds.**

34 All fees and other moneys collected and received by the Board shall be used to
35 implement this Article. The financial records of the Board shall be subjected to an
36 annual audit and paid for out of the funds of the Board.

37 **"§ 90-113.36. ~~Certificates of certification.~~Credentials.**

38 (a) The Board shall furnish a certificate of certification or licensure to each
39 applicant successfully completing the requirements for ~~certification.~~his or her
40 credential.

41 (b) The Board may furnish a certificate of certification or licensure to any person
42 in another state or territory if the individual's qualifications were, at the date of
43 ~~registration or~~registration, certification, or licensure, substantially equal to the

1 requirements under this Article. However, an out-of-state applicant shall first file
2 application and pay any required fees.

3 ~~"§ 90-113.37. Renewal of certification; lapse; revival.~~

4 ~~(a) Every person certified pursuant to this Article who desires to maintain~~
5 ~~certification status shall apply to the Board for a renewal of certification every other~~
6 ~~year and pay to the secretary treasurer the prescribed fee. Renewal of certification is~~
7 ~~subject to completion of no more than 60 hours of those continuing education~~
8 ~~requirements established by the Board. A clinical supervisor shall complete 15 hours of~~
9 ~~substance abuse clinical supervision training prior to the certificate being renewed.~~
10 ~~Certification that is not renewed automatically lapses, unless the Board provides for the~~
11 ~~late renewal of certification upon the payment of a late fee. No late renewal shall be~~
12 ~~granted more than five years after a certification expires. A suspended certification is~~
13 ~~subject to this section's renewal requirements and may be renewed as provided in this~~
14 ~~section. This renewal does not entitle the certified person to engage in the certified~~
15 ~~activity or in any other conduct or activity in violation of the order or judgment by~~
16 ~~which the certification was suspended, until the certification is reinstated. If a~~
17 ~~certification revoked on disciplinary grounds is reinstated and requires renewal, the~~
18 ~~certified person shall pay the renewal fee and any applicable late fee.~~

19 ~~(b) The Board shall establish the manner in which lapsed certification may be~~
20 ~~revived or extended.~~

21 "§ 90-113.37A. Renewal of credential; lapse.

22 (a) Every person credentialed pursuant to this Article who desires to maintain his
23 or her credentials shall apply to the Board for a renewal of certification or licensure
24 every other year and pay to the treasurer the prescribed fee.

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

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

1 (c) Independent study hours shall compose no more than fifty percent (50%) of
2 the total number of hours required for renewal.

3 (d) A credential that is not renewed automatically lapses, unless the Board
4 approves the late renewal of a credential upon the payment of a late fee.

5 (e) No late renewal shall be granted more than five years after a certification or
6 licensure expires.

7 (f) A suspended credential may be renewed as provided in this section. This
8 renewal does not entitle the credentialed person to engage in conduct or activity in
9 violation of the order or judgment by which the credential was suspended, until the
10 credential is reinstated. If a credential revoked on disciplinary grounds is reinstated and
11 requires renewal, the credentialed person shall pay the renewal fee and any applicable
12 late fee.

13 (g) The Board shall establish the manner in which lapsed certification or
14 licensure may be revived or extended.

15 **"§ 90-113.38. Maximums for certain fees.**

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

21 (b) The fee to obtain a certificate of ~~certification~~ licensure for a clinical
22 addictions specialist pursuant to deemed status ~~may~~ shall not exceed one hundred fifty
23 dollars (\$150.00). The fee to renew a ~~certificate~~ ~~may~~ license for a clinical addictions
24 specialist pursuant to deemed status shall not exceed one hundred dollars (\$100.00). The
25 fee to obtain a ~~certificate of certification~~ license for a clinical addictions specialist
26 pursuant to all other procedures authorized by this Article ~~may~~ shall not exceed four
27 hundred seventy-five dollars (\$475.00). The fee to renew the ~~certificate~~ ~~may~~ license
28 shall not exceed one hundred fifty dollars (\$150.00).

29 (b1) The fee to obtain a registration as a registrant shall ~~be~~ not exceed one hundred
30 fifty dollars (\$150.00). The fee to renew a registration shall ~~be~~ not exceed one hundred
31 fifty dollars (\$150.00).

32 (c) There shall be a reexamination fee of one hundred fifty dollars (\$150.00)
33 which shall be paid for each reexamination in addition to the fees ~~required~~
34 ~~under~~ authorized pursuant to subsection (a) of this section. There shall be a fee not to
35 exceed twenty-five dollars (\$25.00) for rescheduling any examination.

36 (d) There shall be a fee ~~of~~ not to exceed twenty-five dollars (\$25.00) to obtain a
37 written verification ~~of certification~~ or additional copy of a credential issued by the
38 Board.

39 (e) There shall be a late renewal fee not to exceed one hundred twenty-five
40 dollars (\$125.00).

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

1 **"§ 90-113.39. Standards for ~~certification~~credentials.**

2 The Board shall establish standards ~~for certification~~ of credential substance abuse
3 professionals. The ~~certification~~ credentialing standards of the International Certification
4 and Reciprocity Consortium/Alcohol and Other Drug Abuse, Incorporated and the
5 standards adopted by professional disciplines granted deemed status or their successor
6 organizations may be used as guidelines for the Board's standards. The Board shall
7 publish these required standards ~~separately from its rules so as to provide easy access to~~
8 ~~the standards.~~

9 **"§ 90-113.40. Requirements for ~~certification~~certification and licensure.**

10 (a) The Board shall issue a certificate certifying an applicant as a "Certified
11 Substance Abuse Counselor" or as a "Certified Substance Abuse Prevention Consultant"
12 if:

- 13 (1) The applicant is of good moral character.
- 14 (2) The applicant is not and has not engaged in any practice or conduct
15 that would be grounds for disciplinary action under G.S. 90-113.44.
- 16 (3) The applicant is qualified for certification pursuant to the requirements
17 of this Article and any rules adopted pursuant to it.
- 18 (4) The applicant has, at a minimum, a high school diploma or a high
19 school equivalency certificate.
- 20 (5) The applicant has signed a form attesting to the intention to adhere
21 fully to the ethical standards adopted by the Board.
- 22 (5a) The applicant submits a complete criminal history record check
23 pursuant to G.S. 90-113.46A.
- 24 (6) The applicant has completed 270 hours of Board-approved education.
25 The Board may prescribe that a certain number of hours be in a course
26 of study for substance abuse counseling and that a certain number of
27 hours be in a course of study for substance abuse prevention
28 consulting. Independent study hours shall not compose more than fifty
29 percent (50%) of the total number of hours required for initial
30 credentialing.
- 31 (7) The applicant has documented completion of a minimum of 300 hours
32 of ~~Supervised Practical Training~~ and Training, has provided a
33 Board-approved supervision contract between the applicant and an
34 ~~approved supervisor~~ applicant supervisor, and has been deemed
35 recommended by the applicant supervisor to advance in the
36 credentialing process.
- 37 (8) The applicant for substance abuse counselor has completed ~~either~~ a
38 total of 6,000 hours of supervised experience in the field, whether paid
39 or ~~volunteer~~, or, if a graduate of a Board-approved master's degree
40 program, a total of 3,000 hours of supervised experience in the field,
41 ~~whether paid or volunteer~~. The applicant for substance abuse
42 prevention consultant has completed a total of ~~10,000~~ 6,000 hours
43 supervised experience in the field, whether paid or volunteer, or 4,000

1 hours if the applicant has at least a bachelors degree in a human
2 services field from a regionally accredited college or university.

- 3 (9) The applicant has ~~successfully completed~~obtained a passing score on a
4 written examination and examination. An applicant for certification as
5 a substance abuse counselor must also obtain a passing score on an
6 oral examination promulgated and administered by the Board.

7 (b) The Board shall issue a certificate certifying an individual as a "Certified
8 Clinical Supervisor" if, in addition to meeting the requirements of subdivisions (a)(1)
9 through (5) of this section, the applicant:

- 10 (1) Submits proof of designation by the Board as a clinical supervisor
11 intern.
- 12 (2) Prior to June 30, 1998, the applicant presents proof that the applicant
13 has 12,000 hours experience in alcohol and drug abuse counseling and
14 a bachelors degree or 8,000 hours experience in alcohol and drug
15 abuse counseling and a minimum of a master's degree. After June 30,
16 1998, the applicant shall present proof that the applicant has a
17 minimum of a master's degree in a human services field with a clinical
18 application from a regionally accredited college or university.
- 19 (3) Has 6,000 hours experience as a substance abuse clinical supervisor if
20 the applicant has a bachelors degree or 4,000 hours experience if the
21 applicant has a master's degree in a human services field with a clinical
22 application from a regionally accredited college or university.
- 23 (4) Has 30 hours of substance abuse clinical supervision specific
24 education or training. These hours shall be reflective of the ~~12 core~~
25 ~~functions~~Twelve Core Functions in the applicant's clinical application
26 and practice and may also be counted toward the applicant's
27 ~~recertification-renewal~~ as a substance abuse counselor counselor or a
28 clinical addictions specialist.
- 29 (5) Submits a letter of reference from a professional who can attest to the
30 applicant's supervisory competence and two letters of reference from
31 either counselors who have been supervised by the applicant or
32 professionals who can attest to the applicant's competence.
- 33 (5a) Submits a complete criminal history record check pursuant to
34 G.S. 90-113.46A.
- 35 (6) ~~Successfully completes~~Obtains a passing score on a written
36 examination administered by the Board.

37 A person who practices as a certified clinical supervisor in addition to practicing as a
38 certified substance abuse counselor shall be exempt from the practice supervision
39 contract requirement.

40 (b1) The Board shall designate an applicant as a "Clinical Supervisor Intern" if, in
41 addition to meeting the requirements of subdivisions (a)(1) through ~~(5)~~(5a) of this
42 section, the applicant meets the following qualifications:

- 43 (1) Submits an application, resume, and official transcript showing that the
44 applicant has obtained a master's degree in a human services field with

- 1 a clinical application from a regionally accredited college or
2 university.
- 3 (2) Submits verification statements.
- 4 (3) Submits proof of ~~certification~~credentialing as a certified substance
5 abuse ~~counselor or a certified~~counselor, a licensed clinical addictions
6 ~~specialist~~specialist, or certification or licensure through an
7 organization granted deemed status by the Board.
- 8 (4) Submits documentation establishing that the applicant has completed
9 at least fifty percent of the required clinical supervision specific
10 training hours as defined by the Board.
- 11 (c) The Board shall issue a ~~certificate certifying~~license credentialing an applicant
12 as a "~~Certified~~Licensed Clinical Addictions Specialist" if, in addition to meeting the
13 requirements of subdivisions (a)(1) through ~~(5)~~(5a) of this section, the applicant meets
14 one of the following criteria:
- 15 (1) Criteria A. – The applicant:
- 16 a. Has a minimum of a master's degree with a clinical application
17 in a human services field from a regionally accredited college
18 or university.
- 19 b. Has two years postgraduate supervised substance abuse
20 counseling experience.
- 21 c. Submits three letters of reference from ~~certified~~licensed
22 clinical addictions specialists or certified substance abuse
23 counselors who have obtained master's degrees.
- 24 d. Has achieved a combined score set by the Board on a master's
25 level written and oral examination administered by the Board.
- 26 e. Has attained 180 hours of substance abuse specific training as
27 ~~described~~from either a regionally accredited college or
28 university, which may include unlimited independent study, or
29 from training events of which no more than fifty percent (50%)
30 shall be in independent study. All hours shall be credited
31 according to the standards set forth in G.S. 90-113.41A.
- 32 f. The applicant has documented completion of a minimum of 300
33 hours of supervised practical training and has provided a
34 Board-approved supervision contract between the applicant and
35 an ~~approved~~applicant supervisor.
- 36 (2) Criteria B. – The applicant:
- 37 a. Has a minimum of a master's degree with a clinical application
38 in a human services field from a regionally accredited college
39 or university.
- 40 b. Has been certified as a substance abuse counselor.
- 41 c. Has one year of postgraduate supervised substance abuse
42 counseling experience.
- 43 d. Has achieved a passing score on a master's level written
44 examination administered by the Board.

e. Submits three letters of reference from ~~certified~~ either licensed clinical addictions specialists or certified substance abuse 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 specialty from a regionally accredited college or university that includes 180 hours of substance abuse specific education and training pursuant to G.S. 90-113.41A.

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

c. Has achieved a passing score on an oral examination administered by the Board.

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

(4) Criteria D. – The applicant has a substance abuse 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 Certified–Residential Facility Director" ~~if, in addition to meeting the requirements of subdivisions (a)(1) through (5) of this section,~~ if the applicant:

(1) Has been ~~certified~~ 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.

(d1) 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:

(1) Has attained 270 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 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

- 1 percent (50%) of the total number of hours obtained for initial
2 certification or renewal.
- 3 (2) Has documented 300 hours of Board-approved supervised practical
4 training. This supervision shall mean the administrative, clinical, and
5 evaluative process of monitoring, assessing, and enhancing
6 professional performance. A minimum of 10 hours of supervision in
7 each criminal justice domain established by the IC&RC/AODA, Inc. is
8 required.
- 9 (3) Has provided documentation of supervised work experience providing
10 direct service to clients or offenders involved in one of the three
11 branches of the criminal justice system, which include law
12 enforcement, the judiciary, and corrections. The applicant must meet
13 one of the following criteria:
- 14 a. Criteria A. – In addition to having a high school degree or
15 GED, the applicant has a minimum of 6,000 hours of
16 documented work experience in direct services in criminal
17 justice or addictions services or any combination of these
18 services that have been obtained during the past 10 years.
- 19 b. Criteria B. – In addition to having an associate degree, the
20 applicant has a minimum of 5,000 hours of documented work
21 experience in direct services in criminal justice or addictions
22 services or any combination of these services obtained during
23 the past 10 years.
- 24 c. Criteria C. – In addition to having at least a bachelors degree,
25 the applicant has a minimum of 4,000 hours of documented
26 work experience in direct services in criminal justice or
27 addictions services or any combination of these services and
28 this experience has been obtained during the past 10 years.
- 29 d. Criteria D. – In addition to having at least a masters degree in a
30 human services field, the applicant has a minimum of 2,000
31 hours of documented work experience in direct services in
32 criminal justice or addictions services or any combination of
33 these services that has been obtained during the past 10 years.
- 34 e. Criteria E. – In addition to having at least a masters degree in a
35 human services field with a specialty from a regionally
36 accredited college or university that includes 180 hours of
37 substance abuse specific education or training, the applicant has
38 a minimum of 2,000 hours of postgraduate supervised substance
39 abuse counseling experience.
- 40 f. Criteria F. – In addition to having obtained the credential of a
41 certified clinical addictions specialist or other advanced
42 credential in a human services field from an organization that
43 has obtained deemed status with the Board, the applicant has a
44 minimum of 1,000 hours of documented work experience in

1 direct services in criminal justice or addictions services that has
2 been obtained during the past 10 years.

3 (4) Has passed the IC&RC/AODA, Inc. certified criminal justice
4 addictions professional written examination.

5 (e) The Board shall publish from time to time information in order to provide
6 specifics for potential applicants of an acceptable educational curriculum and the terms
7 of acceptable supervised fieldwork experience.

8 (f) ~~Effective until January 1, 2001, any person who is certified as a certified~~
9 ~~clinical supervisor or who functions by his or her job description as a certified clinical~~
10 ~~supervisor shall be qualified to supervise applicants for certified clinical supervisor.~~

11 ~~Effective from January 1, 2001 until January 1, 2003, only a person who is certified~~
12 ~~both as a certified clinical supervisor and as a certified clinical addictions specialist~~
13 ~~shall be qualified to supervise applicants for certified clinical addictions specialist, but a~~
14 ~~person who is certified as a certified clinical supervisor or a certified clinical addictions~~
15 ~~specialist shall be qualified to supervise an applicant for certification as a certified~~
16 ~~substance abuse counselor.~~

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

22 **"§ 90-113.40A. Requirements for registration.**

23 (a) Upon application and payment of the required fee, the Board shall issue a
24 registration designating an applicant as a registrant if the applicant:

25 (1) Provides documentation that he or she has received a high school
26 diploma, or the equivalent, and evidence of any baccalaureate or
27 advanced degrees the applicant has received.

28 (2) Completes a registration application on a form provided by the Board.

29 (3) Provides documentation of three hours of educational training in
30 ethics.

31 (4) Signs a form attesting to the applicant's commitment to adhere to the
32 ethical standards adopted by the Board.

33 (4a) Provides a complete criminal history record check pursuant to
34 G.S. 90-113.46A.

35 (5) Signs a supervision contract provided by the Board that documents the
36 proposed supervision process by an ~~approved applicant~~ supervisor.

37 (b) Registrant status shall be maintained for a period of up to five years while the
38 registrant is in the process of completing his or her requirements for ~~certification~~
39 ~~credentials~~ pursuant to this Article. If at the end of a five-year period a registrant has not
40 obtained ~~certification~~ a credential under this Article, the Board shall renew the
41 registration for up to an additional five-year period after the registrant pays the required
42 fee and complies with all requirements for registration pursuant to G.S. 90-113.40A.
43 The Board shall terminate the registration of any registrant who fails to renew his or her
44 registration.

1 (c) The registrant shall notify the Board of any criminal conviction imposed
2 during the period of registration.

3 **"§ 90-113.40B. Approved Applicant supervision.**

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

7 (1) A certified clinical supervisor shall supervise a clinical supervisor
8 intern.

9 (2) A certified clinical supervisor or a clinical supervisor intern shall
10 supervise a substance abuse residential facility director applicant, a
11 clinical addictions specialist applicant, or a substance abuse counselor
12 applicant.

13 ~~(3) A certified clinical supervisor, a clinical supervisor intern, a certified~~
14 ~~clinical addictions specialist, or a certified substance abuse counselor~~
15 ~~shall supervise a registrant who provides DWI assessments.~~

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

20 (5) Pursuant to the deemed status procedure under G.S. 90-113.41A, the
21 supervision requirements described in subdivisions (1) through (4) of
22 this section shall not apply to persons applying for ~~certification~~
23 licensure as a ~~certified~~licensed clinical addictions specialist.

24 (6) A criminal justice addictions professional applicant shall be supervised
25 by a certified clinical supervisor or clinical supervisor intern.

26 **"§ 90-113.41. Examination.**

27 (a) Except for those individuals applying for ~~certification~~licensure under
28 G.S. 90-113.41A, applicants for certification or licensure under this Article shall file an
29 application at least 60 days prior to the date of examination and upon the forms and in
30 the manner prescribed by the Board. The application shall be accompanied by the
31 appropriate fee. No portion of this fee is refundable. Applicants who fail an examination
32 may apply for reexamination upon the payment of another examination fee.

33 (b) Each applicant for certification or licensure under this Article shall be
34 ~~examined~~tested in an examination ~~that is consistent with the examination requirements~~
35 ~~of~~developed by the International Certification and Reciprocity Consortium/Alcohol and
36 Other Drug Abuse, Incorporated and the standards adopted by professional disciplines
37 granted deemed status or their successor organizations.

38 (c) Applicants for certification or licensure shall be examined at a time and place
39 and under the supervision that the Board determines. Examinations shall be given in this
40 State at least twice each year.

41 (d) Applicants may obtain their examination scores and may review their
42 examination papers in accordance with rules the Board adopts and agreements between
43 Board-authorized test development companies.

44 **"§ 90-113.41A. Deemed status.**

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

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

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

12 a. Basic addiction and cross addiction Physiology and
13 Pharmacology of Psychoactive drugs that are abused.

14 b. Screening, assessment, and intake of clients.

15 c. Individual, group, and family counseling.

16 d. Treatment, planning, reporting, and record keeping.

17 e. Crisis intervention.

18 f. Case management and treatment resources.

19 g. Ethics, legal issues, and confidentiality.

20 h. Psychological, emotional, personality, and developmental
21 issues.

22 i. ~~Coexisting~~ Co-occurring physical and mental disabilities.

23 j. Special population issues, including age, gender, race, ethnicity,
24 and health status.

25 k. Traditions and philosophies of recovery treatment models and
26 support groups.

27 (3) The program requires one year or its equivalent of post-degree
28 supervised clinical substance abuse practice. At least fifty percent
29 (50%) of the practice shall consist of direct substance abuse clinical
30 care.

31 (b) The professional discipline seeking deemed status shall require its members
32 to adhere to a code of ethical conduct and shall enforce that code with disciplinary
33 action.

34 (c) The Board may grant deemed status to any professional discipline that
35 substantially meets the standards in this section. Once such status has been granted, an
36 individual within the professional discipline may apply to the Board for ~~certification as~~
37 ~~a certified clinical addictions specialist.~~ the credential of licensed clinical addictions
38 specialist.

39 (d) The Standards and ~~Credentialing~~ Committee of the Board shall review the
40 standards of each professional discipline every third year from the date it was granted
41 deemed status to determine if the discipline continues to substantially meet the
42 requirements of this section. If the Committee finds that a professional discipline no
43 longer meets the requirements of this section, it shall report its findings to the Board at
44 the Board's next regularly scheduled meeting. The deemed status standing of a

1 professional discipline's credential may be discontinued by a two-thirds vote of the
2 Board.

3 **"§ 90-113.41B. Change of name or address.**

4 Every person licensed, ~~certified~~-certified, or registered under the provisions of this
5 Article shall give written notice to the Board of any change in his or her name or
6 address within 60 business days after the change takes place.

7 **"§ 90-113.42. ~~Exemptions. Violations; exemptions.~~**

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

13 (b) It is not the intent of this Article to regulate members of other regulated
14 professions who provide substance abuse services or consultation in the normal course
15 of the practice of their profession. ~~Accordingly, this~~

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

20 (d) Only individuals ~~certified~~-registered, certified, or licensed under this Article
21 may use the title ~~certified substance abuse counselor, certified substance abuse~~
22 ~~prevention consultant, certified clinical supervisor, certified clinical addictions~~
23 ~~specialist, or certified residential facility director.~~'Certified Substance Abuse Counselor',
24 'Certified Substance Abuse Prevention Consultant', 'Certified Clinical Supervisor',
25 'Licensed Clinical Addictions Specialist', 'Certified Substance Abuse Residential
26 Facility Director', 'Certified Criminal Justice Addictions Professional', 'Substance Abuse
27 Counselor Intern', 'Clinical Addictions Specialist Intern', 'Clinical Supervisor Intern', or
28 'Registrant'.

29 **"§ 90-113.43. Illegal practice; misdemeanor penalty.**

30 Except as otherwise authorized in this Article, no person shall:

- 31 (1) ~~Practice,~~Offer substance abuse professional services, practice, attempt
32 to practice, or supervise while holding himself or herself out to be a
33 certified ~~substance abuse counselor, certified substance abuse~~
34 ~~prevention consultant, certified clinical supervisor, certified clinical~~
35 ~~addictions specialist, or certified residential facility director~~substance
36 abuse counselor, certified substance abuse prevention consultant,
37 certified clinical supervisor, certified or licensed clinical addictions
38 specialist, clinical addictions specialist intern, substance abuse
39 residential facility director, certified criminal justice addictions
40 professional, clinical supervisor intern, substance abuse prevention
41 consultant, or registrant without first having obtained a certificate of
42 certification~~-registration, certification, or licensure~~ from the Board.
43 (2) Use in connection with any name any letters, words, numerical codes,
44 or insignia indicating or implying that this person is a ~~certified~~

1 registrant, substance abuse counselor, ~~certified~~ substance abuse
 2 prevention consultant, certified clinical supervisor, ~~certified~~ clinical
 3 addictions specialist, ~~or~~ certified substance abuse residential facility
 4 ~~director~~ director, substance abuse counselor intern, or clinical
 5 ~~addictions specialist intern unless this person is ~~certified~~ registered,~~
 6 certified, or licensed pursuant to this Article.

7 (3) Practice or attempt to practice as a certified substance abuse counselor,
 8 certified substance abuse prevention consultant, certified clinical
 9 supervisor, ~~certified~~ licensed clinical addictions specialist, certified
 10 criminal justice addictions professional, or certified substance abuse
 11 residential facility director with a revoked, lapsed, or suspended
 12 ~~certification~~ certification or license.

13 (4) Aid, abet, or assist any ~~uncertified~~ person to practice as a certified
 14 substance abuse counselor, certified substance abuse prevention
 15 consultant, certified clinical supervisor, ~~certified~~ licensed clinical
 16 addictions specialist, ~~or~~ certified substance abuse residential facility
 17 ~~director~~ director, registrant, substance abuse counselor intern, clinical
 18 ~~addictions specialist, or clinical supervisor intern in violation of this~~
 19 Article.

20 (5) Knowingly serve in a position required by State law or rule or federal
 21 law or regulation to be filled by a registrant, certified substance abuse
 22 counselor, certified substance abuse prevention consultant, certified
 23 clinical supervisor, ~~certified~~ licensed clinical addictions specialist, ~~or~~
 24 certified substance abuse residential facility ~~director~~ director,
 25 substance abuse counselor intern, clinical addictions specialist intern,
 26 or clinical supervisor intern unless that person is ~~certified~~ registered,
 27 certified, or licensed under this Article.

28 (6) Repealed by S.L. 1997-492, s. 13.

29 (7) Practice, supervise, or attempt to practice or supervise or knowingly
 30 serve in a position required by State law or rule or federal law or
 31 regulation to be filled by a designated substance abuse intern without
 32 being designated as such by the Board.

33 A person who engages in any of the illegal practices enumerated by this section is
 34 guilty of a Class 1 misdemeanor. Each act of unlawful practice constitutes a distinct and
 35 separate offense.

36 **"§ 90-113.44. Grounds for disciplinary action.**

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

39 (1) The employment of fraud, deceit, or misrepresentation in obtaining or
 40 attempting to obtain ~~certification~~ licensure, certification, or registration
 41 or renewal of ~~certification~~ licensure, certification, or registration.

42 (2) The use of drugs or alcoholic beverages to the extent that professional
 43 competency is ~~affected, until proof of rehabilitation can be~~
 44 established ~~affected.~~

- 1 (2a) The use of drugs or alcoholic beverages to the extent that a substance
2 abuse professional suffers impairment, including conviction of the
3 offense of driving while impaired.
- 4 (3) ~~Conviction of an offense under any municipal, State, or federal~~
5 ~~narcotic or controlled substance law, until proof of rehabilitation can~~
6 ~~be established.~~law other than traffic laws as prescribed by Chapter 20
7 of the General Statutes.
- 8 (4) Conviction of a felony or other public offense involving moral
9 ~~turpitude, until proof of rehabilitation can be established.~~turpitude.
10 Conviction of a Class A-E felony shall result in an immediate
11 suspension of ~~certification~~licensure, certification, or registration for a
12 minimum of one year.
- 13 (5) An adjudication of insanity or incompetency, until proof of recovery
14 from this condition can be ~~established.~~established by a licensed
15 psychologist or psychiatrist.
- 16 (6) Engaging in any act or practice in violation of any of the provisions of
17 this Article or any of the rules adopted pursuant to it, or aiding,
18 abetting, or assisting any other person in such a violation.
- 19 (7) The commission of an act of malpractice, gross negligence, or
20 incompetence ~~in the practice of substance abuse counseling, substance~~
21 ~~abuse prevention consulting, clinical supervising, or in serving as a~~
22 ~~clinical addictions specialist, residential facility director, or a~~
23 ~~registrant.~~while serving as a substance professional, intern, or
24 registrant.
- 25 (8) ~~Practicing as a certified substance abuse counselor, certified substance~~
26 ~~abuse prevention consultant, certified clinical supervisor, certified~~
27 ~~clinical addictions specialist or certified residential facility director~~
28 ~~without a valid certificate or practicing as a registrant without a valid~~
29 ~~registration.~~
- 30 (9) Engaging in conduct that could result in harm or injury to the public.
- 31 (10) Entering into a dual relationship that impairs professional judgment or
32 increases the risk of exploitation with a client or supervisee.
- 33 (11) Practicing as a credentialed substance abuse professional outside of his
34 or her scope of practice pursuant to G.S. 90-113.31B.

35 (b) Denial of an applicant's licensure, certification, or registration or the granting
36 of licensure, certification, or registration on a probationary or other conditional status
37 shall be subject to substantially the same rules and procedures prescribed by the Board
38 for review and disciplinary actions against any person holding a license, certificate, or
39 registration. A suspension of a credential resulting from relapse or impairment due to
40 substance use, mental health, or medical disorder shall be imposed for at least six
41 months beginning from the date of successful discharge from a residential substance
42 abuse treatment program or other appropriate treatment modality determined as a result
43 of an assessment by a Board-approved assessor. Disciplinary actions involving a clinical
44 addictions specialist whose licensure is achieved through deemed status shall be initially

1 heard by the specialist's credentialing body. The specialist may appeal the body's
2 decision to the Board. The Board shall, however, have the discretionary authority to
3 hear the initial disciplinary action involving a credentialed professional.

4 **"§ 90-113.45. Enjoining illegal practices.**

5 (a) The Board may, if it finds that any person is violating any of the provisions of
6 this Article or of the rules adopted pursuant to it, apply in its own name to the superior
7 court for a temporary or permanent restraining order or injunction to restrain that person
8 from continuing these illegal practices. The court may grant injunctive relief regardless
9 of whether criminal prosecution or other action has been or may be instituted as a result
10 of the violation. In the court's consideration of the issue of whether to grant or continue
11 an injunction sought by the Board, a showing of conduct in violation of the terms of this
12 Article shall be sufficient to meet any requirement of general North Carolina injunction
13 law for irreparable damage.

14 (b) The venue for actions brought under this section is the superior court of any
15 county in which the illegal acts are alleged to have been committed or in the county
16 where the defendant resides.

17 **"§ 90-113.46. Application of requirements of Article.**

18 All persons ~~certified~~credentialed by the North Carolina Substance Abuse
19 Professional ~~Certification~~Practice Board, Inc., as of July 1, 1994, shall be ~~certified~~
20 credentialed by the Board pursuant to this Article. All these persons are subject to all the
21 other requirements of this Article and of the rules adopted pursuant to it.

22 **"§ 90-113.46A. Criminal history record checks of applicants for registration,**
23 **certification, or licensure.**

24 (a) All applicants for registration, certification, or licensure shall consent to a
25 criminal history record check. Refusal to consent to a criminal history record check may
26 constitute grounds for the Board to deny registration, certification, or licensure to an
27 applicant. The Board shall ensure that the State and national criminal history of an
28 applicant is checked. The Board shall be responsible for providing to the North Carolina
29 Department of Justice the fingerprints of the applicant to be checked, a form signed by
30 the applicant consenting to the criminal record check and the use of fingerprints and
31 other identifying information required by the State or National Repositories, the fee
32 required by the Department of Justice for providing this service, and any additional
33 information required by the Department of Justice. The Board shall keep all information
34 obtained pursuant to this section confidential.

35 (b) If an applicant's criminal history record check reveals one or more
36 convictions as defined in G.S. 90-113.31A(14), the conviction shall not automatically
37 bar issuance of a credential by the Board to the applicant. The Board shall consider all
38 of the following factors regarding the conviction:

39 (1) The level of seriousness of the crime.

40 (2) The date of the crime.

41 (3) The age of the person at the time of the conviction.

42 (4) The circumstances surrounding the commission of the crime, if known.

43 (5) The nexus between the criminal conduct of the person and the job
44 duties of the position to be filled.

1 (6) The person's prison, jail, probation, parole, rehabilitation, and
2 employment records since the date the crime was committed.

3 (7) The subsequent commission by the person of a crime as defined in
4 G.S. 90-113.31A(14).

5 If, after reviewing the factors, the Board determines that the grounds set forth in
6 G.S. 90-113.44 exist, the Board may deny registration, certification, or licensure of the
7 applicant. The Board may disclose to the applicant information contained in the
8 criminal history record check that is relevant to the denial. The Board shall not provide
9 a copy of the criminal history record check to the applicant. The applicant shall have the
10 right to appear before the Board to appeal the Board's decision. However, an appearance
11 before the full Board shall constitute an exhaustion of administrative remedies in
12 accordance with Chapter 150B of the General Statutes.

13 (c) Limited Immunity. – The Board, its officers and employees, acting in good
14 faith and in compliance with this section, shall be immune from civil liability for
15 denying registration, certification, or licensure to an applicant based on information
16 provided in the applicant's criminal history record check."

17 **SECTION 2.** Article 4 of Chapter 114 of the General Statutes is amended by
18 adding the following new section to read:

19 **"§ 114-19.11A. Criminal record checks of applicants for registration, certification,**
20 **or licensure as a substance abuse professional.**

21 The Department of Justice may provide to the North Carolina Substance Abuse
22 Professional Practice Board from the State and National Repositories of Criminal
23 Histories the criminal history of any applicant for registration, certification, or licensure
24 pursuant to Article 5C of Chapter 90 of the General Statutes. Along with the request, the
25 Board shall provide to the Department of Justice the fingerprints of the applicant, a form
26 signed by the applicant consenting to the criminal record check and use of fingerprints
27 and other identifying information required by the State and National Repositories, and
28 any additional information required by the Department of Justice. The applicant's
29 fingerprints shall be forwarded to the State Bureau of Investigation for a search of the
30 State's criminal history record file, and the State Bureau of Investigation shall forward a
31 set of fingerprints to the Federal Bureau of Investigation for a national criminal history
32 record check. The Board shall keep all information obtained pursuant to this section
33 confidential. The Department of Justice may charge a fee to offset the cost incurred by it
34 to conduct a criminal record check under this section. The fee shall not exceed the
35 actual cost of locating, editing, researching, and retrieving the information."

36 **SECTION 3.** All members serving on the North Carolina Substance Abuse
37 Professional Practice Board on the effective date of this act shall complete their current
38 three-year terms. Upon completion of their terms, newly appointed or elected members
39 of the Board shall serve four-year terms pursuant to G.S. 90-113.33, as enacted in
40 Section 1 of this act.

41 **SECTION 4.** Notwithstanding G.S. 90-113.40(d1), as enacted by Section 1
42 of this act, the North Carolina Substance Abuse Professional Practice Board may certify
43 a person as a certified criminal justice addictions professional during a limited period of
44 90 days from the date this act becomes effective and the credential is approved by the

1 IC&RC/AODA, Inc., if the applicant qualifies based on experience providing services
2 to clients or offenders exhibiting substance abuse disorders and is working in a program
3 determined by the Board to be integrally involved in at least one of the three branches of
4 the criminal justice system, which include law enforcement, the judiciary, and
5 corrections. In addition to meeting the requirements of G.S. 90-113.40(a)(1) through
6 (5a), the person shall do the following:

- 7 (1) Provide two letters recommending certification from a current or
8 former peer who functions in substantially the same professional
9 capacity as determined by the Board.
- 10 (2) Provide one letter recommending certification from a person currently
11 supervising or who has supervised the applicant within the previous
12 five years attesting to the applicant's competency in the fields of
13 substance abuse and criminal justice.
- 14 (3) Pay the criminal justice addictions professional certification fee for
15 certification not to exceed one hundred fifty dollars (\$150.00).
- 16 (4) Provide one of the following:
 - 17 a. A high school diploma or a high school equivalency certificate,
18 documentation of eight years or 16,000 hours of supervised
19 work experience providing direct service to clients or offenders
20 determined by the Board to be integrally involved in at least one
21 of the three branches of the criminal justice system, which
22 include law enforcement, the judiciary, and corrections.
 - 23 b. An associate degree and documentation of six years or 12,000
24 hours of supervised work experience providing direct service to
25 clients or offenders determined by the Board to be integrally
26 involved in the three branches of the criminal justice system,
27 which include law enforcement, the judiciary, and corrections.
 - 28 c. A bachelors degree in the Human Services field with four years
29 or 8,000 hours of supervised work experience providing direct
30 service to clients or offenders determined by the Board to be
31 integrally involved in at least one of the three branches of the
32 criminal justice system, which include law enforcement, the
33 judiciary, and corrections.
 - 34 d. A masters degree or above in the Human Services field with
35 two years or 4,000 hours of supervised work experience
36 providing direct service to clients or offenders determined by
37 the Board to be integrally involved in the three branches of the
38 criminal justice system, which include law enforcement, the
39 judiciary, and corrections.

40 **SECTION 5.** This act is effective when it becomes law.