



HOUSE BILL 678: Amend Counselor/SA/Soc. Worker Prof. Acts.

2019-2020 General Assembly

Committee:	House Health. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 26, 2019
Introduced by:	Reps. Potts, Dobson, Lambeth	Prepared by:	Jessica Boney Staff Attorney
Analysis of:	PCS to First Edition H678-CSBP-7		

OVERVIEW: *House Bill 678 would amend the Licensed Professional Counselors Act.*

The Proposed Committee Substitute (PCS) to House Bill 678 would amend the Licensed Professional Counselors Act, the Substance Abuse Professional Practice Act and the Social Worker Certification and Licensure Act.

BILL ANALYSIS:

Parts I and II of the PCS amend the Licensed Professional Counselors Act:

Change Terminology (G.S. 90-330). Changes the terminology of "professional counselor" to "clinical mental health counselor" throughout Article 24 of Chapter 90 of the General Statutes. Changes the name of the North Carolina Board of Licensed Professional Counselors to the North Carolina Board of Licensed Clinical Mental Health Counselors (Board).

Establish Mental Health Program (G.S. 90-334(l)). Requires the Board to establish a program for licensees experiencing substance use disorders, burnout, compassion fatigue, and other mental health concerns. The Board may enter into agreements with existing professional health care programs to establish the program and may adopt rules implementing the program. Authorizes the Board to refer any licensee to the program as part of the disciplinary process.

Allow Reciprocity (G.S. 90-337) and Remove Certain Exemptions (G.S. 90-338). Permits the Board to enter into reciprocity agreements with another state that has substantially similar or exceeds requirements for licensure as a clinical mental health counselor. Removes certain exemptions for applicants who did not meet academic qualifications.

Make Technical and Conforming Changes. Makes technical and conforming changes related to the change in terminology of the Licensed Clinical Mental Health Counselors Act in G.S. Chapters 8, 48, 55B, 58, 90, 122C and 143B.

Effective Date. Parts I and II would become effective January 1, 2020.

Parts III, IV, V, VI, VII, and VIII of the PCS amend the Substance Abuse Professional Practice Act:

Change Title of Act. Changes the North Carolina Substance Abuse Professional Practice Act to the North Carolina Substance Use Disorder Professional Practice Act.

Amend and Add Definitions (G.S. 90-113.31A). Amends the definition of independent study and adds a definition for traditional classroom-based study.

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Rename and Restructure Board (G.S. 90-113.32). Renames the North Carolina Substance Abuse Professional Practice Board to the North Carolina Addictions Specialist Professional Practice Board (Addiction Specialist Board). Changes the Addiction Specialist Board to 9 members, serving 3 year staggered terms. Outlines board member reimbursements, election of officers, officer terms, chair terms and vacancies.

Increase Required Certification Hours (G.S. 90-113.40(a)(6), G.S. 90-113.40(d1)(1)). Increases the education hours required for certification as a substance abuse counselor, substance abuse prevention consultant, or criminal justice addictions specialist from 270 hours to 300 hours.

Establish North Carolina Impaired Professionals Program (G.S. 90-113.48). Establishes the Program with the purpose of operating independently of the Addiction Specialist Board to provide a variety of support services for credentialed professionals for treatment of an impairment due to physical or mental illness, substance use disorder, or professional sexual misconduct.

The Program may enter into an agreement with a credentialed professional to identify and evaluate the ability of the referred or self-referred professional to function in their professional capacity and coordinate treatment. Sets guidelines for the agreement. Directs the Program to report to the Addiction Specialist Board information about credentialed professionals that met four specified criteria, including constituting an immediate danger to patient care. All materials in the possession of the Program shall not be considered public records. The Addiction Specialist Board shall provide any credentialed professional in the Program with a written assessment prepared as a participant in the Program, which shall be inadmissible as evidence in a civil proceeding. Directs the Addiction Specialist Board to adopt rules for the operation of the Program.

Technical Changes. Makes various technical changes, including changing the use of "substance abuse" throughout Article 5C of Chapter 90 to "substance use disorder." Removes G.S. 90-113.40(d) allowing for the issuance of a certification to an applicant as a Substance Abuse Residential Facility Director.

Discontinue Certified Substance Abuse Residential Facility Director Credentialing. Discontinues the Certified Substance Abuse Residential Facility Director credential effective July 1, 2019 and the Addiction Specialist Board shall no longer issue or renew that credential. Makes conforming changes to implement the discontinuation and becomes effective upon the expiration of the last certified substance abuse facility director credential issued prior to the effective date of this act.

Effective Date. Except as otherwise provided, Parts III, IV, V, VI, VII, and VII would become effective October 1, 2019.

Part IX of the PCS Amends the Social Worker Certification and Licensure Act:

Creates New Definitions (G.S. 90B-3). Creates new definitions for applicant, social work continuing education, and supervision.

Identifies Where Credential Is Held (G.S. 90B-4). Requires a person who resides and practices in the State while credentialed in another state to amend his or her credential to identify the state where the credential is held. A person who resides and practices in the State for a period of not more than 5 days in any calendar year, while credentialed in another state, shall amend his or her credential to identify the state where the credential is held.

Amends Membership of Board Members (G.S. 90B-5). Amends the qualifications for the members of the North Carolina Social Worker Certification and Licensure Board (Board).

Amends Duties of Board (G.S. 90B-6). The Board has the power to adopt supervision standards. Extends the period of time that a licensed social worker is required to maintain records from 3 years to the longer

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of (i) 10 years from the date services to the client are terminated or (ii) the record retention period mandated by a third-party payee.

Amends Qualifications for Certificates (G.S. 90B-7). The Board shall issue a certificate as a "Certified Social Worker" or a "Certified Master Social Worker" to applicants who have, among other qualifications, the appropriate degree in social work from a college or university social work program approved by the Council on Social Work Education and have passed a Board-approved qualifying examination.

Amends Qualifications for Licensure (G.S. 90B-7). The Board shall issue a license as a "Licensed Clinical Social Worker" or issue a certificate as a "Certified Social Work Manager" to applicants who have, among other qualifications, a masters or doctoral degree in social work from a college or university social work program accredited, or admitted to candidacy for accreditation by the Council on Social Work Education and have passed a Board-approved qualifying examination.

Issuance of Associate License (G.S. 90B-7). Permits the Board to issue an associate license in clinical social work to a person who has a masters or doctoral degree in social work from a college or university social work program accredited, or admitted to candidacy for accreditation by the Council on Social Work Education. Removes the requirement for an associate licensee to pass the qualifying clinical examination within two years to be eligible for renewal. Associate licensees who fail to satisfy requirements for licensed clinical social worker licensure within six years from the date of associate license issuance may apply for a new associate license, but a subsequent associate license may not be issued until the applicant has passed the qualifying examination. Supervision and experience hours acquired under an associate license expire 6 years from the issuance of the initial associate license and expired supervision and experience hours do not apply to future licensure.

Grants Reciprocal and Temporary Licenses (G.S. 90B-8). The Board may grant a reciprocal certificate or license and the person must be in good standing at the time of application. A person granted a temporary license shall fulfill all the requirements for licensure prior to the expiration of the temporary license. The Board may issue a temporary license to military or military spouse applicant.

Renewals of Certificates and Licenses (G.S. 90B-9). All certificates and licenses, excluding temporary licenses, shall be renewed on or before the expiration date of the certificate or license. The process for renewal of a certificate or license is altered. Requires written request for reactivation, payment of renewal fee and Board verification of compliance with current requirements before reinstating a certificate or license.

Amends Nonpracticing Status (G.S. 90B-9.1). Removes the requirement for the Board to place any person desiring to retire temporarily on the nonpracticing list. Prohibits social workers on nonpracticing status from referring to themselves as a certified or licensed by the Board and must not engage in social work practice. Requires proof of completed continuing education requirements before a certificate or license may be reactivated.

Alters Disciplinary Procedures (G.S. 90B-11). The Board may deny, suspend, or revoke an application, certificate, or license for the conviction of a misdemeanor involving moral turpitude, misrepresentation or fraud in dealing with the public, conduct otherwise relevant to fitness to practice social work, or any misdemeanor reflecting inability to practice social work. The Board may require an applicant, certificate holder or licensee to submit a criminal history record check, including fingerprints, or a substance abuse assessment. The Board may also assess costs of disciplinary actions against an applicant, certificate holder, or licensee found to be in violation.

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Effective Date. Part IV would become effective January 1, 2021. Qualifications for the certificate of Certified Social Work Manager, as amended by this act, apply only to applications for certification received by the Board on or after January 1, 2021.

EFFECTIVE DATE: Except as otherwise provided, this act is effective when it becomes law.