

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 233*
Committee Substitute Favorable 6/7/93
Committee Substitute #2 Favorable 6/21/93
Senate Finance Committee Substitute Adopted 5/27/94

Short Title: Marriage & Family Therapists.

(Public)

Sponsors:

Referred to:

February 23, 1993

A BILL TO BE ENTITLED

AN ACT TO REQUIRE LICENSURE OF MARRIAGE AND FAMILY THERAPISTS.

The General Assembly of North Carolina enacts:

Section 1. This act shall be known and may be cited as the "Marriage and Family Therapy Licensure Act of 1993."

Sec. 2. Article 18C of Chapter 90 of the General Statutes reads as rewritten:

"ARTICLE 18C.

~~"Marital Marriage and Family Therapy Certification Licensure Act.~~

"§ 90-270.45. Title of Article.

This Article shall be known as the '~~Marital Marriage and Family Therapy Certification Licensure Act.~~'

"§ 90-270.46. Policy and purpose.

~~Marital Marriage and family therapy in the State of North Carolina is declared to be a professional practice which that affects the public safety and welfare and requires appropriate certification licensure and control in the public interest.~~

It is the purpose of this Article to establish a ~~certification licensure~~ agency, a structure, and procedures ~~which that~~ will (i) ensure that the public has a means of protecting itself from the practice of marriage and family therapy by unprofessional, unauthorized, and unqualified individuals, and (ii) protect the public from unprofessional, improper, unauthorized and unqualified use of certain titles by persons

1 who practice ~~marital~~marriage and family therapy. This Article shall be liberally
2 construed to carry out these policies and purposes.

3 **"§ 90-270.47. Definitions.**

4 As used in this Article, unless the context clearly requires a different meaning:

5 (1) 'Allied mental health field' and 'degree' mean:

- 6 a. Master's or doctoral degree in clinical social work;
7 b. Master's or doctoral degree in psychiatric nursing;
8 c. ~~Doctoral~~Master's or doctoral degree in counseling or clinical or
9 counseling psychology;
10 d. Doctor of medicine or doctor of osteopathy degree with an
11 appropriate residency training in psychiatry; or
12 e. Master's or doctoral degree in any mental health field ~~wherein~~
13 the course of study of which is equivalent to the master's degree
14 in ~~marital~~marriage and family therapy.

15 (2) 'Board' means the North Carolina ~~Marital~~Marriage and Family
16 Therapy Certification~~Licensure~~ Board.

17 (3) '~~Certified marital~~Licensed marriage and family therapist' means a
18 person to whom a ~~certificate~~license has been issued pursuant to the
19 ~~provisions of this Article, which certificate~~if the license is in force and
20 not suspended or ~~revoked as of the particular time in question~~revoked.

21 (3a) 'Marriage and family therapy' is the clinical practice, within the
22 context of marriage and family systems, of the diagnosis and treatment
23 of psychosocial aspects of mental and emotional disorders. Marriage
24 and family therapy involves the professional application of
25 psychotherapeutic and family systems theories and techniques in the
26 delivery of services to families, couples, and individuals for the
27 purpose of treating these diagnosed mental and emotional disorders.
28 Marriage and family therapy includes referrals to and collaboration
29 with other health care professionals when appropriate.

30 (4) 'Practice of ~~marital~~marriage and family therapy' means the rendering
31 of professional ~~marital~~marriage and family therapy ~~or counseling~~
32 services to individuals, ~~family groups and marital pairs,~~ couples, or
33 families, singly or in groups, whether ~~such~~the services are offered
34 directly to the general public or through organizations, either public or
35 private, for a fee, monetary or otherwise. ~~'Marital and family therapy' is~~
36 ~~a specialized field of therapy which centers largely upon the family system~~
37 ~~and the relationship between husband and wife. 'Marital and family therapy'~~
38 ~~consists of the application of principles, methods, educational and~~
39 ~~therapeutic techniques for the purpose of resolving emotional conflict,~~
40 ~~altering old attitudes and establishing new ones in the area of marriage and~~
41 ~~family life.~~

42 (5) 'Recognized educational institution' means any educational institution
43 ~~which that~~ grants a bachelor's, master's, or ~~doctor's~~doctoral degree and
44 ~~which~~ is recognized by the Board ~~or~~and by a nationally or regionally
45 recognized educational or professional accrediting body.

1 **"§ 90-270.48. Prohibited acts.**

2 Except as specifically provided elsewhere in this Article, ~~commencing January 1,~~
3 ~~1980, no person who is not certified under this Article shall use a title or description~~
4 ~~such as 'certified marital or marriage therapist, counselor, advisor or consultant,'~~
5 ~~'certified marital or marriage and family therapist, counselor, advisor or consultant,' or~~
6 ~~any other name, style or description denoting that the person is a certified marital and~~
7 ~~family therapist. Nothing herein shall prohibit any person from advertising the~~
8 ~~performance of marital and family therapy or counseling services, the persons from~~
9 ~~whom it may be obtained and prices. it is unlawful for a person not licensed as a~~
10 ~~marriage and family therapist under this Article to practice marriage or family therapy~~
11 ~~or hold himself or herself out to the public as a person practicing marriage and family~~
12 ~~therapy.~~

13 **"§ 90-270.48A. Exemptions.**

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

25 (b) A person is exempt from the requirements of this Article if any of the
26 following conditions are met:

27 (1) The person is (i) preparing for the practice of marriage and family
28 therapy in a manner prescribed by rules of the Board, (ii) under
29 qualified supervision in a training institution or facility or supervisory
30 arrangement recognized and approved by the Board, and (iii)
31 designated by a title such as 'marriage and family therapy intern,' or
32 'marriage and family therapy supervisee,' or another similar title
33 approved by the Board.

34 (2) The person is practicing marriage and family therapy as an employee
35 of a recognized educational institution, or a governmental institution or
36 agency and the practice is included in the duties for which the person
37 was employed by the institution or agency.

38 (3) The person is practicing marriage and family therapy as an employee
39 of a nonprofit organization which the Board has determined meets
40 community needs and the practice is included in the duties for which
41 the person was employed by the nonprofit organization.

42 (4) The person is practicing marriage and family therapy as an employee
43 of a hospital licensed under Article 5 of Chapter 131E or Article 2 of
44 Chapter 122C of the General Statutes. Provided, however, no such

1 person shall hold himself out as a licensed marriage and family
2 therapist.

3 **"§ 90-270.48B. Third-party reimbursement.**

4 Nothing in this Article shall be construed to require direct third-party reimbursement
5 to persons licensed under this Article.

6 **"§ 90-270.49. North Carolina Marital-Marriage and Family Therapy Certification**
7 **Licensure Board.**

8 (a) Establishment. – There is hereby established as an agency of the State of
9 North Carolina the North Carolina ~~Marital-Marriage~~ and Family Therapy ~~Certification~~
10 Licensure Board, which shall be composed of seven Board members, ~~one of which shall~~
11 ~~be designated as chairperson, members to be appointed in the manner as provided for in~~
12 ~~G.S. 90-270.50. Of the first Board members appointed, three shall continue in office for two~~
13 ~~years, two for three years, and two, including the chairperson for four years, respectively.~~
14 Board members shall be appointed for terms of four years each, except
15 that any person chosen to fill a vacancy shall be appointed only for the unexpired term
16 of the Board member whom he shall succeed. Upon the expiration of ~~his a Board~~
17 member's term of office, a the Board member shall continue to serve until his successor
18 ~~shall have been appointed and shall have a successor has qualified.~~ No person may be
19 appointed more than once to fill an unexpired term or for more than two consecutive
20 full terms. The Governor shall designate one Board member to serve as chairperson
21 ~~during the term of his appointment to the Board.~~ No person may serve as chairperson for
22 more than four years.

23 The Governor may remove any member ~~of from the Board or remove the~~
24 chairperson from his the position as of chairperson only for neglect of ~~duty or~~
25 ~~malfeasance or duty, malfeasance, or conviction of a felony or crime of moral turpitude~~
26 while in office but for no other reason. office.

27 No Board member shall participate in any matter before the Board in which ~~he the~~
28 member has a pecuniary interest, personal bias, or other similar conflict of interest.

29 (b) Quorum and Principal Office. – Four of the members of the Board shall
30 constitute a quorum of the Board. The Board shall specify the principal office of the
31 ~~Board shall be at such location in the State of North Carolina as the Board shall from time to~~
32 ~~time specify. Board within this State.~~

33 (c) Board Employees. ~~The Board is authorized to employ, subject to the~~
34 ~~provisions of Chapter 126 of the General Statutes, such attorneys, experts, and other~~
35 ~~employees as it may from time to time find necessary for the proper performance of its~~
36 ~~duties and for whom the necessary funds are appropriated.~~

37 **"§ 90-270.50. Appointment and qualification of Board members.**

38 (a) Nominations for Appointment. – The Governor shall appoint members of the
39 Board only from among the candidates who meet the following qualifications:

40 (1) Four members shall be practicing ~~marital-marriage~~ and family
41 therapists who meet the educational and experience requirements stated in
42 this Article for persons applying after January 1, 1981; are licensed
43 marriage and family therapists in the State at the time of their
44 appointment, and each shall have been each of whom has been for at

1 least five years immediately preceding appointment actively engaged
 2 as a ~~marital-marriage~~ and family therapist in rendering professional
 3 services in ~~marital-marriage~~ and family therapy, or in the education and
 4 training of ~~doctoral or postdoctoral-graduate or postgraduate~~ students of
 5 ~~marital-marriage~~ and family therapy, and ~~shall have~~ has spent the
 6 majority of the time devoted ~~by him to such~~ this activity in this State
 7 during the two years preceding ~~his appointment, in this State.~~
 8 appointment. ~~The initial appointees, appointed pursuant to this section,~~
 9 ~~shall be deemed to be and shall become certified practicing marital and~~
 10 ~~family therapists immediately upon their appointment and qualification as~~
 11 ~~members of the Board.~~

12 (2) Three members shall be representatives of the general public who have
 13 no direct affiliation with the practice of ~~marital-marriage~~ and family
 14 therapy.

15 (b) The appointment of any member of the Board shall automatically terminate
 16 30 days after the date ~~such~~ the member is no longer a resident of the State of North
 17 Carolina.

18 (c) ~~If before the expiration of his term any member shall die, resign, become~~
 19 ~~disqualified, or otherwise cease to be a Board member, the vacancy shall be filled by the~~
 20 The Governor shall fill any vacancy by appointment for the unexpired term.

21 (d) Each member of the Board must be a citizen of this State and must reside in a
 22 different congressional district in this State.

23 **"§ 90-270.51. Board meetings. Powers and duties.**

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

25 (b) ~~The Board may adopt rules to implement this Article. Subject to the provisions of~~
 26 Chapter 150B of the General Statutes, the Board may adopt, amend, or repeal rules to
 27 administer and enforce this Article, including rules of professional ethics for the
 28 practice of marriage and family therapy.

29 (c) The Board shall examine and pass on the qualifications of all applicants for
 30 ~~certificates-licensure~~ under this Article, and shall issue a ~~certificate-license~~ to each
 31 successful ~~applicant therefor.~~ applicant.

32 (d) The Board may adopt a seal which may be affixed to all ~~certificates-licenses~~
 33 issued by the Board.

34 (e) The Board may authorize expenditures ~~deemed necessary~~ to carry out the
 35 provisions of this Article from the fees ~~which that~~ it collects, but ~~in no event shall~~
 36 expenditures may not exceed the revenues of the Board during any fiscal year.

37 (f) The Board may employ, subject to the provisions of Chapter 126 of the
 38 General Statutes, attorneys, experts, and other employees as necessary to perform its
 39 duties.

40 **"§ 90-270.52. Certification-License application.**

41 (a) Each person desiring to obtain a ~~certificate-license~~ under this Article shall
 42 ~~make application thereof apply~~ to the Board upon ~~such the~~ form and in ~~such the~~ manner as
 43 ~~the Board shall prescribe and prescribed by the Board.~~ Each applicant shall furnish
 44 evidence satisfactory to the Board that ~~he:~~ the applicant:

- 1 (1) Is of good moral character;
- 2 (2) Has not engaged or is not engaged in any practice or conduct which
3 that would be a ground for denial, ~~revocation~~ revocation, or suspension
4 of a ~~certificate~~ license under G.S. 90-270.60;
- 5 (3) Is qualified for ~~certification~~ licensure pursuant to the requirements of
6 this Article.

7 (b) A license obtained through fraud or by any false representation is void.

8 ~~"§ 90~~**before July 1, 1982.**

9 ~~Any person who applies on or before July 1, 1982, shall be issued a certificate by the~~
10 ~~Board if he meets the qualifications set forth in subdivisions (1), (2), and (3) of G.S. 90-~~
11 ~~270.52 and provides satisfactory evidence to the Board that he either:~~

- 12 (1) ~~Meets educational and experience qualifications as follows:~~
 - 13 a. ~~Educational requirements: Possesses a minimum of a master's~~
14 ~~degree or the equivalent from a recognized educational~~
15 ~~institution in the field of marriage or family therapy or a degree~~
16 ~~in an allied mental health field or shall be a clergyman or a~~
17 ~~physician whose official transcripts establish that he has~~
18 ~~completed an appropriate course of study in an allied mental~~
19 ~~health field. In addition, an applicant meets the educational~~
20 ~~requirements by presenting satisfactory evidence of post-~~
21 ~~master's or post doctoral training taken in the field of marital~~
22 ~~and family therapy or counseling from an educational or~~
23 ~~training institution or program recognized by the Board~~
24 ~~notwithstanding the fact that such training was taken at a~~
25 ~~nondegree granting institution or in a nondegree program,~~
26 ~~provided that such training, by itself or in combination with any~~
27 ~~training received as part of the program leading to a degree~~
28 ~~from a recognized educational institution, is the equivalent in~~
29 ~~content and quality, as defined in the duly adopted rules and~~
30 ~~regulations of the Board, of a master's or doctoral degree in~~
31 ~~marital and family therapy and counseling.~~
 - 32 b. ~~Experience requirements: At least 3,000 hours of clinical~~
33 ~~experience in the practice of marital and family therapy, not~~
34 ~~more than 500 hours of which experience was obtained while~~
35 ~~the candidate was a student in a master's degree program and at~~
36 ~~least 2,500 of which experience was obtained subsequent to the~~
37 ~~granting of such degree in the field of marital and family~~
38 ~~therapy or an allied mental health field; or~~
- 39 (2) ~~Was certified prior to July 1, 1982, in this State in an allied mental~~
40 ~~health profession and satisfies the educational requirements for~~
41 ~~certification as a certified marital and family therapist set forth in (1)a.,~~
42 ~~of this section.~~

43 **"§ 90-270.54. Application for certificate by examination. Requirements for license.**

1 (a) ~~Any person who applies to the Board after January 1, 1981, Each applicant shall~~
 2 ~~be issued a certificate license by the Board if he the applicant meets the qualifications set~~
 3 ~~forth in subdivisions (1), (2), and (3) of G.S. 90-270.52 G.S. 90-270.52(a) and provides~~
 4 ~~satisfactory evidence to the Board that he the applicant:~~

5 (1) Meets educational and experience qualifications as follows:

6 a. Educational requirements: Possesses a minimum of a master's
 7 degree ~~or the equivalent~~ from a recognized educational
 8 institution in the field of ~~marital marriage and family therapy or~~
 9 ~~counseling, therapy,~~ or a degree in an allied mental health field,
 10 which degree is evidenced by the applicant's official transcripts
 11 which establish that ~~he the applicant~~ has completed an
 12 appropriate course of study in an allied mental health field. ~~In~~
 13 ~~addition, an applicant meets~~ An applicant with a degree in an
 14 allied mental health field may meet the educational
 15 requirements by presenting if the applicant presents satisfactory
 16 evidence of post-master's or post-doctoral training taken in the
 17 field of ~~marital marriage and family therapy or counseling~~ from
 18 ~~an educational or training institution or a program~~ recognized by
 19 the Board ~~notwithstanding the fact that such~~ regardless whether
 20 the training was taken at a nondegree granting institution or in a
 21 nondegree program, provided that such as long as the training, by
 22 itself or in combination with any training received as part of the
 23 program leading to a degree from a recognized educational
 24 institution, other training, is the equivalent in content and
 25 quality, as defined in the duly adopted rules and regulations of the
 26 Board, of a master's or doctoral degree in marital marriage and
 27 family therapy and counseling therapy;

28 b. Experience requirements: ~~At~~ Has at least 1,500 hours of clinical
 29 experience in the practice of ~~marital marriage and family~~
 30 ~~therapy, not more than 500 hours of which experience was were~~
 31 ~~obtained while the candidate was a student in a master's degree~~
 32 ~~program and at least 1,000 of which experience was were~~
 33 ~~obtained subsequent to the granting of such~~ after the applicant was
 34 granted a degree in the field of marital marriage and family
 35 therapy or an allied mental health field (with ongoing
 36 supervision consistent with standards approved by the Board);
 37 and

38 (2) Passes ~~a written and/or oral~~ an examination administered by the Board.

39 (b) Any person who is a certified marriage and family therapist on January 1,
 40 1995, shall be deemed to be a licensed marriage and family therapist as of that date.
 41 Valid and unexpired certificates operate as licenses for the purposes of this Article until
 42 the date set for renewal of the certificate, at which time the Board shall issue the
 43 certificate holder a license in accordance with G.S. 90-270.58.

44 **"§ 90-270.55. Examination. Examinations.**

1 (a) The Board shall conduct an examination at least once a year at a time and
 2 place designated by the Board. (b) Examinations may be ~~written or oral~~ written,
 3 oral, or both as determined by the Board. (c) Examinations shall include questions in
 4 ~~such~~ theoretical and applied fields to test an applicant's knowledge and competence to
 5 engage in the practice of ~~marital~~ marriage and family therapy. (d) ~~An applicant shall~~
 6 ~~be held to have passed an examination upon affirmative vote of a majority of the members of~~
 7 ~~the Board present and voting.~~ The Board shall set the passing score for examinations. (e)
 8 Any person who fails an examination conducted by the Board shall not be admitted to a
 9 subsequent examination for a period of at least six months.

10 **"§ 90-270.55A. Temporary license.**

11 The Board shall issue a nonrenewable temporary license to a person applying for
 12 licensure under G.S. 90-270.54 for a period not to exceed the lesser of one year or the
 13 date next scheduled for issuance of new licenses pursuant to G.S. 90-270.54 upon a
 14 finding that the person substantially meets the education and experience requirements of
 15 G.S. 90-270.54(a)(1). No temporary license shall be issued to a person who has failed
 16 an examination administered under G.S. 90-270.55. Recipients of temporary licenses
 17 have all the rights, duties, and obligations of permanent licensees, except that the Board
 18 shall limit by rule the practice of marriage and family therapy by temporary licensees.

19 **"§ 90-270.56. Reciprocal certificates-licenses.**

20 The Board shall issue a certificate-license by reciprocity to any person who applies
 21 for the license as prescribed by the Board and who is licensed or certified as a marital
 22 marriage and family therapist in another state whose requirements for the license or
 23 certificate are equivalent to or exceed the requirements of this State, provided the
 24 applicant submits an application on forms prescribed by the Board and pays the original
 25 certification fee prescribed by this Article-State.

26 **"§ 90-270.57. Fees.**

27 ~~The Board shall charge each applicant for certification an application fee not to~~
 28 ~~exceed seventy five dollars (\$75.00). This fee shall be payable to the Board by the~~
 29 ~~applicant at the time of filing application. In no case shall the application fee be~~
 30 ~~refunded, unless in the discretion of the Board the applicant shall be deemed ineligible~~
 31 ~~for examination. In addition, the Board may charge an examination fee not to exceed~~
 32 ~~fifty dollars (\$50.00) to each applicant to whom an examination is administered.~~

33 In order to fund the Board's activities under this Article, the Board may charge and
 34 collect fees not exceeding the following:

- | | | | |
|----|-----|--|----------------|
| 35 | (1) | <u>Each license examination</u> | <u>\$50.00</u> |
| 36 | (2) | <u>Each license application</u> | <u>150.00</u> |
| 37 | (3) | <u>Each renewal of license</u> | <u>100.00</u> |
| 38 | (4) | <u>Each reciprocal license application</u> | <u>150.00</u> |
| 39 | (5) | <u>Each reinstatement of an expired license</u> | <u>125.00</u> |
| 40 | (6) | <u>Each application to return to active status</u> | <u>125.00.</u> |

41 In addition to the examination fee provided in subdivision (1) of this section, the
 42 Board may charge and collect from each applicant for license examination the cost of
 43 test materials.

1 The Board is authorized to return all or a portion of fees paid in cases where the
2 applicant is ineligible or in cases of undue hardship.

3 **"§ 90-270.58. Renewal of ~~certificate-~~license.**

4 ~~The Board shall require the renewal of all certificates of qualification annually on~~
5 ~~the first day of July, and shall charge and collect a fee not to exceed fifty dollars~~
6 ~~(\$50.00) for such renewal.~~

7 All licenses issued under this Article shall expire automatically on the first day of
8 July of each year. The Board shall renew a license upon (i) completion of the
9 continuing education requirements of G.S. 90-270.58B and (ii) payment of the renewal
10 fee.

11 **"§ 90-270.58A. Reinstatement after expiration.**

12 A person whose license has expired may have the license reinstated as prescribed by
13 the Board. The Board shall charge and collect a fee for reinstatement of the license.

14 **"§ 90-270.58B. Inactive status.**

15 (a) A person who holds a valid and unexpired license and who is not actively
16 engaged in the practice of marriage and family therapy may apply to the Board to be
17 placed on inactive status. A person on inactive status shall not be required to pay
18 annual renewal fees.

19 (b) A person on inactive status shall not practice or hold himself out as practicing
20 marriage and family therapy or perform any other activities prohibited by this Article.

21 (c) A person desiring to return to active status shall submit written application to
22 the Board. The Board shall return the person to active status upon payment of the fee
23 specified in G.S. 90-270.57 and upon such showing of competency to resume practice
24 as the Board may require.

25 **"§ 90-270.58C. Continuing education requirements.**

26 The Board shall prescribe continuing education requirements for licensees. These
27 requirements shall be designed to maintain and improve the quality of professional
28 services in marriage and family therapy provided to the public, to keep the licensee
29 knowledgeable of current research, techniques, and practice, and to provide other
30 resources that will improve skill and competence in marriage and family therapy. The
31 number of hours of continuing education shall not exceed the number of hours available
32 that year in Board-approved courses within the State. The Board may waive these
33 continuing education requirements for not more than 12 months, but only upon the
34 licensee's satisfactory showing to the Board of undue hardship.

35 **"§ 90-270.59. Disposition of funds.**

36 ~~All fees and other moneys collected and received by the Board shall be used for the~~
37 ~~purpose of implementing to implement this Article.~~

38 **"§ 90-270.60. Denial, ~~revocation~~-revocation, or suspension of ~~certification-~~license.**

39 (a) Grounds for Denial, Revocation, or Suspension. – The Board is authorized to
40 deny, revoke may deny, revoke, or suspend a ~~certificate-~~license granted pursuant to this
41 Article on any of the following grounds:

- 42 (1) Conviction of a felony under the laws of the United States or of any
43 state of the United States;-States.

- 1 (2) Conviction of any crime, an essential element of which is dishonesty,
2 deceit, or ~~fraud~~; fraud.
- 3 (3) Fraud or deceit in obtaining a ~~certificate~~ license as a ~~certified marital~~
4 marriage and family therapist; ~~therapist~~.
- 5 (4) Dishonesty, fraud or gross negligence in the practice of ~~marital~~
6 marriage and family therapy; ~~therapy~~.
- 7 (5) Violation of any rule of professional ethics and professional conduct
8 adopted by the Board.

9 (b) Any disciplinary action taken shall be in accordance with ~~the provisions of~~
10 Chapter 150B of the General Statutes.

11 **"§ 90-270.61. Penalties.**

12 Any person not ~~certified~~ licensed as a ~~marital~~ marriage and family therapist under this
13 ~~Article, who on or after January 1, 1980, Article who engages in the practice of marriage~~
14 and family therapy, or holds himself or herself out to be or advertises that he is a certified
15 ~~marital and family therapist in violation of this Article has committed an infraction, which is~~
16 punishable by a fine of not more than one hundred dollars (\$100.00). An infraction is an
17 unlawful act that is not a crime. The procedure for charging and trying an infraction is the same
18 as for a misdemeanor, but conviction of an infraction has no consequence other than payment
19 of a fine. a marriage or family therapist or engaged in marriage and family therapy in
20 violation of this Article is guilty of a Class 2 misdemeanor.

21 **"§ 90-270.62. Injunction.**

22 As an additional remedy, the Board may proceed in a superior court to enjoin and
23 restrain any ~~uncertified~~ person without a valid license from violating the prohibitions of
24 this Article. The Board shall not be required to post bond to such proceeding."

25 Sec. 3. All members of the North Carolina Marital and Family Therapy
26 Certification Board shall continue to be members of the North Carolina Marriage and
27 Family Therapy Licensure Board until the expiration of their terms as members of the
28 North Carolina Marital and Family Therapy Certification Board.

29 Sec. 4. (a) The North Carolina Marriage and Family Therapy Licensure Board
30 shall be considered a continuation of the North Carolina Marital and Family Therapy
31 Certification Board for the purpose of succession to all rights, powers, duties, and
32 obligations of the North Carolina Marital and Family Therapy Certification Board.

33 (b) No action or proceeding involving the North Carolina Marital and Family
34 Therapy Certification Board that is pending on the effective date of this act shall be
35 affected by this act. No cause of action arising under this Article before the effective
36 date of this act is affected by this act.

37 (c) All rules, regulations, acts, determinations, and decisions of the North
38 Carolina Marital and Family Therapy Certification Board in force on the effective date
39 of this act shall continue in force as rules, regulations, acts, determinations, and
40 decisions of the North Carolina Marriage and Family Therapy Licensure Board until
41 modified or repealed by the North Carolina Marriage and Family Therapy Licensure
42 Board.

43 Sec. 5. This act becomes effective January 1, 1995.