

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 712

Short Title: Substance Abuse Specialists.

(Public)

Sponsors: Senator Reeves.

Referred to: Finance.

April 7, 1997

A BILL TO BE ENTITLED

AN ACT TO CERTIFY CLINICAL ADDICTIONS SPECIALISTS, PROVIDE SPECIFIC AUTHORITY FOR CERTIFICATION OF CLINICAL SUPERVISORS AND RESIDENTIAL FACILITY DIRECTORS, AND TO MAKE A TECHNICAL CHANGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-113.30 reads as rewritten:

"§ 90-113.30. Declaration of purpose.

The North Carolina Substance Abuse Professionals-Professional Certification Board, established by G.S. 90-113.32, is recognized as the certifying authority for certified substance abuse counselors and certified substance abuse prevention consultants-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 substance abuse counselors and certified substance abuse prevention consultants, professionals, to provide for the establishment of standards for the education of substance abuse counselors and substance abuse prevention consultants, certified substance abuse professionals, and to ensure the availability of substance abuse counseling services and substance abuse prevention services-certified substance abuse professional services of high quality to persons in need of these services. It is the purpose of this Article to provide for

1 the regulation of Board-certified persons offering substance abuse counseling services,
2 substance abuse prevention services, or any other substance abuse services for which the
3 Board may grant certification."

4 Section 2. G.S. 90-113.31 reads as rewritten:

5 **"§ 90-113.31. Definitions.**

6 ~~In this Article, unless the context clearly requires otherwise, the~~ The following
7 definitions shall apply in this Article:

8 (1) ~~" Board" means the Board.~~ – The North Carolina Substance Abuse
9 Professionals-Professional Certification Board.

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

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

16 (1c) 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" means any~~ Certified substance abuse
20 counselor. – A person certified by the Board to practice as a substance
21 abuse counseling counselor in accordance with the provisions of this
22 Article.

23 (3) ~~" Substance abuse counseling" means the assessment, evaluation, or~~
24 ~~provision of counseling to persons suffering from substance abuse or~~
25 ~~dependency, alcohol abuse or dependency, or drug abuse or~~
26 ~~dependency.~~

27 (4) ~~" Certified substance abuse prevention consultant" means any~~ Certified
28 substance abuse prevention consultant. – A person certified by the
29 Board to practice substance abuse prevention in accordance with the
30 provisions of this Article.

31 (4a) Credentialing body. – A board that licenses, certifies, or regulates a
32 profession or practice.

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

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

40 (4d) Intern. – A person who successfully completes 300 hours of Board
41 approved supervised practical training and a written examination in
42 pursuit of certification as a substance abuse counselor.

- 1 (5) ~~" Prevention" means the~~Prevention. – The reduction, delay, or avoidance
2 of alcohol and of other drug use behavior. 'Prevention' includes the
3 promotion of positive environments and individual strengths that
4 contribute to personal health and well-being over an entire life and the
5 development of strategies that encourage individuals, families, and
6 communities to take part in assessing and changing their lifestyle and
7 environments.
- 8 (6) Professional discipline. – A field of study characterized by the technical,
9 educational, and ethical standards of a profession.
- 10 (7) Substance abuse counseling. – The assessment, evaluation, and
11 provision of counseling to persons suffering from substance, drug, or
12 alcohol abuse or dependency.
- 13 (8) Substance abuse professional. – A certified substance abuse counselor,
14 certified substance abuse prevention consultant, certified clinical
15 supervisor, certified clinical addictions specialist, or certified residential
16 facility director."

17 Section 3. G.S. 90-113.32 reads as rewritten:

18 **"§ 90-113.32. ~~Board.~~Board; composition; voting.**

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

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

38 (c) After the initial Board members' terms expire, the Board shall consist of ~~19~~the
39 following members, all of whom shall reside in North Carolina, appointed or elected as
40 follows:

- 41 (1) Eleven professionals certified pursuant to this Article and elected by the
42 certified professionals, at least two of whom shall serve each of the four
43 Division of Mental Health, Developmental Disabilities, and Substance

- 1 Abuse Services regions of the ~~State~~; State. Three members shall serve
2 as members at large.
- 3 (2) Three members at large chosen from laypersons or other professional
4 disciplines who have shown a special interest in the field of substance
5 abuse, nominated by the Nominations and Elections Committee
6 established by subsection (d) of this section and elected by the ~~Board~~;
7 Board.
- 8 (3) Two members from the Division of Mental Health, Developmental
9 Disabilities, and Substance Abuse Services, Department of Human
10 Resources, appointed by the Chief of Substance Abuse Services Section,
11 Division of Mental Health, Developmental Disabilities, and Substance
12 Abuse Services, Department of Human Resources, at least one of whom
13 is from the Substance Abuse Services ~~Section~~; Section.
- 14 (4) One member of the public at large appointed by the ~~Governor~~; and
15 Governor.
- 16 (5) One member of the public at large appointed by the General Assembly
17 upon the recommendation of the Speaker of the House of
18 Representatives in accordance with G.S. 120-121 and one member of
19 the public at large appointed by the General Assembly upon the
20 recommendation of the President Pro Tempore of the Senate in
21 accordance with G.S. 120-121.
- 22 (6) One member shall represent each of the professional disciplines granted
23 deemed status under G.S. 90-113.41A. The member may be appointed
24 by the professional discipline on or before a date set by the Board. If
25 the professional discipline has at least one association in the State, the
26 member shall be chosen from a list of nominees submitted to the
27 association. The members appointed or elected under this subdivision
28 shall be certified as substance abuse specialists by the professional
29 discipline that the members represent.

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

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

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

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

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

20 Section 4. G.S. 90-113.33 reads as rewritten:

21 "**§ 90-113.33. Board; powers and duties.**

22 The Board shall:

- 23 (1) Examine and determine the qualifications and fitness of applicants for
24 certification to practice in this State ~~as substance abuse counselors and as~~
25 ~~substance abuse prevention consultants;~~ State.
- 26 (1a) Determine the qualifications and fitness of organizations applying for
27 deemed status.
- 28 (2) Issue, renew, deny, suspend, or revoke certification to practice in this
29 State or reprimand or otherwise discipline ~~substance abuse counselors and~~
30 ~~substance abuse prevention consultants~~ certificate holders in this State;
31 State. However, disciplinary actions involving a clinical addictions
32 specialist whose certification is achieved through deemed status shall be
33 initially heard by the specialist's credentialing body. The specialist may
34 appeal the body's decision to the Board. The Board shall, however, have
35 the authority to hear the initial disciplinary action involving a clinical
36 addictions specialist.
- 37 (3) Deal with issues concerning ~~reciprocity;~~ reciprocity.
- 38 (4) Conduct investigations for the purpose of determining whether
39 violations of this Article or grounds for disciplining ~~exist;~~ exists.
- 40 (5) Employ the professional and clerical personnel necessary to carry out
41 the provisions of this Article. The Board may purchase or rent necessary
42 office space, equipment, and ~~supplies;~~ supplies.

- 1 (6) Conduct administrative hearings in accordance with Chapter 150B of
2 the General Statutes when a 'contested case', as defined in Chapter
3 150B, ~~arises;~~ arises.
- 4 (7) Appoint from its own membership one or more members to act as
5 representatives of the Board at any meeting in which it considers this
6 representation is ~~desirable;~~ desirable.
- 7 (8) Establish fees for applications for examination, certificates of
8 certification and renewal, and other services provided by the ~~Board;~~ and
9 Board.
- 10 (9) Adopt any rules necessary to carry out the purpose of this Article and its
11 duties and responsibilities pursuant to this Article.

12 The powers and duties enumerated in this section are granted for the purposes of
13 enabling the Board to safeguard the public health, safety, and welfare against unqualified
14 or incompetent practitioners and are to be liberally construed to accomplish this
15 objective. When the Board exercises its authority under this Article to discipline a person,
16 it may, as part of the decision imposing the discipline, charge the costs of investigations
17 and the hearing to the person disciplined."

18 Section 5. G.S. 90-113.34 reads as rewritten:

19 **"§ 90-113.34. Records to be kept; copies of records.**

20 The Board shall obtain documentation of all proceedings under this Article and a
21 record of all persons certified under it. The record shall show the name, last known place
22 of business, last known place of residence, and date and number of the certificate of
23 certification as a certified substance abuse ~~counselor or~~ counselor, certified substance
24 abuse prevention ~~consultant~~ consultant, certified clinical supervisor, certified clinical
25 addictions specialist, or certified residential facility director for every living certified
26 person. Any interested person in the State is entitled to obtain a copy of that record on
27 application to the Board and upon payment of a reasonable charge that is based on the
28 costs involved in providing the copy. The Board shall keep a hard copy of all records."

29 Section 6. G.S. 90-113.37 reads as rewritten:

30 **"§ 90-113.37. Renewal of certification; lapse; revival.**

31 (a) Every person certified pursuant to this Article who desires to maintain
32 certification status shall apply to the Board for a renewal of certification every other year
33 and pay to the secretary-treasurer the prescribed fee. Renewal of certification is subject to
34 completion of no more than 60 hours of those continuing education requirements
35 established by the Board. A clinical supervisor shall also complete 15 hours of substance
36 abuse clinical supervision or training prior to the certificate being renewed. Certification
37 that is not renewed automatically lapses, unless the Board provides for the late renewal of
38 certification upon the payment of a late fee. No late renewal shall be granted more than
39 five years after a certification expires. A suspended certification is subject to this
40 section's renewal requirements and may be renewed as provided in this section. This
41 renewal does not entitle the certified person to engage in the certified activity or in any
42 other conduct or activity in violation of the order or judgment by which the certification
43 was suspended, until the certification is reinstated. If a certification revoked on

1 disciplinary grounds is reinstated and requires renewal, the certified person shall pay the
2 renewal fee and any applicable late fee.

3 (b) The Board shall establish the manner in which lapsed certification may be
4 revived or extended."

5 Section 7. G.S. 90-113.38 reads as rewritten:

6 **"§ 90-113.38. Maximums for certain fees.**

7 (a) ~~The combined fees fee~~ to obtain a certificate of certification as a substance
8 abuse counselor, substance abuse prevention consultant, clinical supervisor, or residential
9 facility director may not exceed three hundred dollars (\$300.00)-three hundred twenty-five
10 dollars (\$325.00). The fee to renew a certificate may not exceed one hundred dollars
11 (\$100.00).

12 (b) The fee to obtain a certificate of certification for a clinical addictions specialist
13 pursuant to G.S. 90-113.41A may not exceed one hundred dollars (\$100.00). The fee to
14 renew a certificate may not exceed fifty dollars (\$50.00). The fee to obtain a certificate
15 of certification for a clinical addictions specialist under G.S. 90-113.40 may not exceed
16 three hundred twenty-five dollars (\$325.00). The fee to renew the certificate may not
17 exceed one hundred dollars (\$100.00).

18 (c) There shall be a reexamination fee of one hundred dollars (\$100.00) which
19 shall be paid for each reexamination in addition to the fees required under subsection (a)
20 of this section."

21 Section 8. G.S. 90-113.39 reads as rewritten:

22 **"§ 90-113.39. Standards for certification.**

23 The Board shall establish standards for certification of substance abuse professionals.
24 The certification standards of the International Certification Reciprocity
25 Consortium/Alcohol and Other Drug Abuse and ~~of the National Association of Alcoholism~~
26 ~~and Drug Abuse Counselors~~ the standards adopted by professional disciplines granted
27 deemed status may be used as guidelines for the Board's standards. The Board shall
28 publish these required standards separately from its rules so as to provide easy access to
29 the standards."

30 Section 9. G.S. 90-113.40 reads as rewritten:

31 **"§ 90-113.40. Requirements for certification.**

32 (a) The Board shall issue a certificate certifying an applicant as a "Certified
33 ~~Substance Abuse Counselor~~" 'Certified Substance Abuse Counselor' or as a "Certified
34 ~~Substance Abuse Prevention Consultant~~" 'Certified Substance Abuse Prevention Consultant'
35 if:

- 36 (1) The applicant is of good moral ~~character;~~ character.
- 37 (2) The applicant is not and has not engaged in any practice or conduct that
38 would be grounds for disciplinary action under ~~G.S. 90-113.44;~~ G.S. 90-
39 113.44.
- 40 (3) The applicant is qualified for certification pursuant to the requirements
41 of this Article and any rules adopted pursuant to ~~it;~~ it.
- 42 (4) The applicant has, at a minimum, a high school diploma or a high
43 school equivalency ~~certificate;~~ certificate.

- 1 (5) The applicant has signed a form attesting to the intention to adhere fully
2 to the ethical standards adopted by the ~~Board;~~ Board.
- 3 (6) The applicant has completed 270 hours of Board-approved ~~education;~~
4 education. The Board may prescribe that a certain number of hours be
5 in a course of study for substance abuse counseling and that a certain
6 number of hours be in a course of study for substance abuse prevention
7 consulting.
- 8 (7) The applicant has documented completion of a minimum of 300 hours
9 of Supervised Practical Training and has provided a Board-approved
10 supervision contract between the applicant and an approved ~~supervisor;~~
11 supervisor.
- 12 (8) The applicant for substance abuse counselor has completed either a total
13 of ~~three years~~ 6,000 hours of supervised experience in the field, whether
14 paid or volunteer, or, if a graduate of a Board-approved masters degree
15 program, a total of ~~18 months~~ 3,000 hours of supervised experience in
16 the field, whether paid or ~~volunteer;~~ and volunteer. The applicant for
17 substance abuse prevention consultant has completed a total of 10,000
18 hours supervised experience in the field, whether paid or volunteer, or
19 4,000 hours if the applicant has at least a bachelors degree in a human
20 services field.
- 21 (9) The applicant has successfully completed a written examination and an
22 oral examination promulgated and administered by the Board.
- 23 (b) The Board shall issue a certificate certifying an individual as a 'Certified
24 Clinical Supervisor' if, in addition to meeting the requirements of subdivisions (a)(1)
25 through (5) of this section, the applicant:
- 26 (1) Has been certified as a substance abuse counselor or a clinical
27 addictions specialist.
- 28 (2) Prior to June 30, 1998, the applicant presents proof that the applicant
29 has 12,000 hours experience in alcohol and drug abuse counseling and a
30 bachelors degree or 8,000 hours experience in alcohol and drug abuse
31 counseling and a minimum of a masters degree. After June 30, 1998,
32 the applicant shall present proof that the applicant has a minimum of a
33 masters degree.
- 34 (3) Has 6,000 hours experience as a substance abuse clinical supervisor if
35 the applicant has a bachelors degree or 4,000 hours experience if the
36 applicant has a masters degree.
- 37 (4) Has 30 hours of substance abuse clinical supervision specific education
38 or training. These hours shall be reflective of the 12 core functions in
39 the applicant's clinical application and practice and may also be counted
40 toward the applicant's recertification as a substance abuse counselor.
- 41 (5) Submits a letter of reference from a professional who can attest to the
42 applicant's supervisory competence and two letters of reference from

1 either counselors who have been supervised by the applicant or
2 professionals who can attest to the applicant's competence.

3 (6) Successfully completes a written examination administered by the
4 Board.

5 (c) The Board shall issue a certificate certifying an applicant as a 'Certified
6 Clinical Addictions Specialist' if, in addition to meeting the requirements of subdivisions
7 (a)(1) through (5) of this section, the applicant meets one of the following criteria:

8 (1) Criteria A. – The applicant:

9 a. Has a minimum or a masters degree with a clinical application in
10 a human services field.

11 b. Has two years postgraduate supervised substance abuse
12 counseling experience.

13 c. Submits three letters of reference from certified clinical
14 addictions specialists or certified substance abuse professionals.

15 d. Has achieved a combined score set by the Board on a masters
16 level written and oral examination administered by the Board.

17 e. Has attained 180 hours of substance abuse specific training as
18 described in G.S. 90-113.41A.

19 (2) Criteria B. – The applicant:

20 a. Has a minimum of a masters degree with a clinical application in
21 a human services field.

22 b. Has been certified as a substance abuse counselor.

23 c. Has one year of postgraduate supervised substance abuse
24 counseling experience.

25 d. Has achieved a passing score on a masters level written
26 examination administered by the Board.

27 e. Submits three letters of reference from certified clinical
28 addictions specialists or certified substance abuse professionals.

29 (3) Criteria C. – The applicant:

30 a. Has a minimum of a masters degree in a human services field
31 with a substance abuse specialty that includes 180 hours of
32 substance abuse specific education and training pursuant to G.S.
33 113.41A.

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

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

38 d. Submits three letters of reference from certified clinical
39 addictions specialists or certified substance abuse professionals.

40 (4) Criteria D. – The applicant has a substance abuse certification from a
41 professional discipline that has been granted deemed status by the
42 Board.

1 (d) Notwithstanding subsection (c) of this section, the Board may certify a person
2 as a 'Clinical Addictions Specialist' for a limited period of one year from the effective
3 date of this Article upon the submission of proof of one of the following to the Board:

4 (1) Certification as a substance abuse counselor holding a masters degree
5 with a clinical application in a human services field; the equivalent of
6 two years of full-time postgraduate supervised substance abuse
7 experience; and three letters of reference from certified substance abuse
8 professionals who have masters degrees.

9 (2) Certification as a substance abuse counselor with a bachelors degree in a
10 human services field; the equivalent of five years of full-time,
11 postgraduate, supervised substance abuse experience; a passing score on
12 a masters level written examination; and submission of three letters of
13 reference from certified substance abuse professionals who have
14 masters degrees.

15 (3) Certification as a clinical supervisor; a masters degree with a clinical
16 application in a human services field with a substance abuse specialty;
17 and three letters of reference from certified substance abuse
18 professionals who have masters degrees.

19 (4) Certification as a substance abuse counselor; a masters degree with a
20 clinical application in a human services field with a substance abuse
21 specialty; and three letters of reference from certified substance abuse
22 professionals who have masters degrees.

23 (5) Certification prior to the effective date of this Article as an alcohol
24 counselor, a drug and alcohol counselor, or a substance abuse counselor;
25 the equivalent of 10 years of documented full-time substance abuse
26 work experience; and three letters of reference from certified substance
27 abuse professionals who have masters degrees.

28 (6) Certification, licensure, or membership in good standing with a
29 professional discipline that has been granted deemed status.

30 Renewal of the one-year clinical addictions specialist certification shall be pursuant to
31 G.S. 90-113.37.

32 (e) Notwithstanding subsection (c) of this section, the Board may certify an
33 applicant as a 'Clinical Addictions Specialist' for a limited period of three years from or
34 beginning October 1, 1998, if the applicant completes and submits proof to the Board that
35 the applicant: (i) has been certified as a substance abuse counselor; (ii) has the equivalent
36 of 10 years of supervised, full-time, substance abuse counseling experience; (iii) has
37 passed a masters level oral and written examination and; (iv) submits three letters of
38 reference from certified substance abuse professionals who hold masters degrees.

39 (f) The Board shall issue a certificate certifying an applicant as a 'Certified
40 Residential Facility Director' if, in addition to meeting the requirements of subdivisions
41 (a)(1) through (5) of this section, the applicant:

42 (1) Has been certified as a substance abuse counselor.

1 (2) Has 50 hours of Board approved academic or didactic management
2 specific training or a combination thereof.

3 (3) Submits letters of reference from the applicant's current supervisor and a
4 colleague or co-worker.

5 (g) 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 of
7 acceptable supervised fieldwork experience."

8 Section 10. G.S. 90-113.41 reads as rewritten:

9 **"§ 90-113.41. Examination.**

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

16 (b) Each applicant for certification under this Article shall be examined in an
17 examination that is consistent with the examination requirements of the International
18 Certification Reciprocity Consortium/Alcohol and Other Drug Abuse. ~~Abuse and the~~
19 standards adopted by professional disciplines granted deemed status.

20 (c) Applicants for certification shall be examined at a time and place and under the
21 supervision that the Board determines. Examinations shall be given in this State at least
22 twice each year.

23 (d) Applicants may obtain their examination scores and may review their
24 examination papers in accordance with rules the Board adopts."

25 Section 11. Article 5C of Chapter 90 of the General Statutes is amended to add
26 a new section to read:

27 **"§ 90-113.41A. Deemed status.**

28 (a) To be granted deemed status by the Board, a credentialing body of a
29 professional discipline or its designee shall demonstrate that its substance abuse
30 certification program substantially meets the following:

31 (1) Each person to whom the credentialing body awards credentials
32 following the effective date of this act meets and maintains minimum
33 requirements in substance abuse specific content areas. Each person
34 also has a minimum of a masters degree with a clinical application in a
35 human services field.

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

39 a. Basic addiction and cross addiction Physiology and
40 Pharmacology of Psychoactive drugs that are abused.

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

42 c. Individual, group, and family counseling.

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

- e. Crisis intervention.
- f. Case management and treatment resources.
- g. Ethics, legal issues, and confidentiality.
- h. Psychological, emotional, personality, and developmental issues.
- i. Coexisting physical and mental disabilities.
- j. Special population issues, including age, gender, race, ethnicity, and health status.
- k. Traditions and philosophies of recovery treatment models and support groups.

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

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

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

(d) The Standards and Credentialing Committee of the Board shall review the standards of each professional discipline every third year from the date it was granted deemed status to determine if the discipline continues to substantially meet the requirements of this section. If the Committee finds that a professional discipline no longer meets the requirements of this section, it shall report its findings to the Board at the Board's next regularly scheduled meeting. The deemed status standing of a professional discipline's credential may be discontinued by a two-thirds vote of the Board."

Section 12. G.S. 90-113.42 reads as rewritten:

"§ 90-113.42. Exemptions.

It is not the intent of this Article to regulate members of other regulated professions who provide substance abuse services or consultation in the normal course of the practice of their profession. Accordingly, this Article does not apply to any person registered, certified, or licensed by the State to practice any other occupation or profession while rendering substance abuse services or consultation in the performance of the occupation or profession for which ~~he~~ the person is registered, certified, or licensed. Only individuals certified under this Article may use the title "~~certified substance abuse counselor~~" or "~~certified substance abuse prevention consultant~~" certified substance abuse counselor, certified substance abuse prevention consultant, certified clinical supervisor, certified clinical addictions specialist, or certified residential facility director."

Section 13. G.S. 90-113.43 reads as rewritten:

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

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

- 1 (1) Practice, attempt to practice, or supervise while holding out to be a
2 certified substance abuse ~~counselor or a~~ counselor, certified substance
3 abuse prevention ~~consultant~~ consultant, certified clinical supervisor,
4 certified clinical addictions specialist, or certified residential facility
5 director without first having obtained a certificate of certification from
6 the ~~Board~~; Board.
- 7 (2) Use in connection with any name any letters, words, numerical codes, or
8 insignia indicating or implying that this person is a certified substance
9 abuse ~~counselor or a~~ counselor, certified substance abuse prevention
10 ~~consultant~~ consultant, certified clinical supervisor, certified clinical
11 addictions specialist, or certified residential facility director unless this
12 person is certified pursuant to this ~~Article~~; Article.
- 13 (3) Practice or attempt to practice as a certified substance abuse ~~counselor or~~
14 counselor, certified substance abuse prevention ~~consultant~~ consultant,
15 certified clinical supervisor, certified clinical addictions specialist, or
16 certified residential facility director with a revoked, lapsed, or
17 suspended ~~certification~~; certification.
- 18 (4) Aid, abet, or assist any uncertified person to practice as a certified
19 substance abuse ~~counselor or~~ counselor, certified substance abuse
20 prevention ~~consultant~~ consultant, certified clinical supervisor, certified
21 clinical addictions specialist, or certified residential facility director in
22 violation of this ~~Article~~; Article.
- 23 (5) Knowingly serve in a position required by State law or rule or federal
24 law or regulation to be filled by a certified substance abuse ~~counselor or~~
25 ~~a~~ counselor, certified substance abuse prevention ~~consultant~~ consultant,
26 certified clinical supervisor, certified clinical addictions specialist, or
27 certified residential facility director unless that person is ~~so~~ certified
28 under this ~~Article~~; or Article.
- 29 (6) ~~Otherwise violate any of the provisions of this Article or any of the rules~~
30 ~~adopted pursuant to it.~~
- 31 (7) Practice, supervise, or attempt to practice or supervise or knowingly
32 serve in a position required by State law or rule or federal law or
33 regulation to be filled by a designated substance abuse intern without
34 being designated as such by the Board.

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

38 Section 14. G.S. 90-113.44 reads as rewritten:

39 "**§ 90-113.44. Grounds for disciplinary action.**

40 Grounds for disciplinary action include:

- 41 (1) The employment of fraud, deceit, or misrepresentation in obtaining or
42 attempting to obtain certification or renewal of ~~certification~~; certification.

- 1 (2) The use of drugs or alcoholic beverages to the extent that professional
2 competency is affected, until proof of rehabilitation can be ~~established;~~
3 established.
- 4 (3) Conviction of an offense under any municipal, State, or federal narcotic
5 or controlled substance law, until proof of rehabilitation can be
6 ~~established;~~ established.
- 7 (4) Conviction of a felony or other public offense involving moral
8 turpitude, until proof of rehabilitation can be ~~established;~~ established.
- 9 (5) An adjudication of insanity or incompetency, until proof of recovery
10 from this condition can be ~~established;~~ established.
- 11 (6) Engaging in any act or practice violative of any of the provisions of this
12 Article or any of the rules adopted pursuant to it, or aiding, abetting, or
13 assisting any other person in such a ~~violation;~~ violation.
- 14 (7) The commission of an act of malpractice, gross negligence, or
15 incompetence in the practice of substance abuse ~~counseling or in~~
16 counseling, substance abuse prevention ~~consulting;~~ consulting, clinical
17 supervising, or in serving as a clinical addictions specialist or residential
18 facility director.
- 19 (8) Practicing as a certified substance abuse ~~counselor or as a~~ counselor,
20 certified substance abuse prevention ~~consultant~~ consultant, certified
21 clinical supervisor, certified clinical addictions specialist or certified
22 residential facility director without a valid ~~certificate;~~ and certificate.
- 23 (9) Engaging in conduct that could result in harm or injury to the public."

24 Section 15. G.S. 90-113.46 reads as rewritten:

25 "**§ 90-113.46. Application of requirements of Article.**

26 All persons certified by the North Carolina Substance Abuse ~~Professionals~~
27 Professional Certification Board, Inc., as of July 1, 1994, shall be certified by the Board
28 pursuant to this Article. All these persons are subject to all the other requirements of this
29 Article and of the rules adopted pursuant to it."

30 Section 16. Article 5C of Chapter 90 of the General Statutes is amended by
31 adding the following new section:

32 "**§ 90-113.47. Third-party reimbursement.**

33 Nothing in this Article shall be construed to require direct third-party reimbursements
34 to persons certified under this Article."

35 Section 17. This act becomes effective October 1, 1997.