

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-164
SENATE BILL 1062

AN ACT AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE
PROFESSIONAL CERTIFICATION BOARD TO DEFINE THE TERM
CLINICAL SUPERVISOR INTERN AND AMENDING CERTIFICATION
REQUIREMENTS FOR SUBSTANCE ABUSE PROFESSIONALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-113.31 reads as rewritten:

"§ 90-113.31. Definitions.

The following definitions shall apply in this Article:

- (1) Board. – The North Carolina Substance Abuse Professional Certification Board.
- (1a) Certified clinical addictions specialist. – A person certified by the Board to practice as a clinical addictions specialist in accordance with the provisions of this Article.
- (1b) Certified clinical supervisor. – A person certified by the Board to practice as a clinical supervisor in accordance with the provisions of this Article.
- (1c) Certified residential facility director. – A person certified by the Board to practice as a residential facility director in accordance with the provisions of this Article.
- (2) Certified substance abuse counselor. – A person certified by the Board to practice as a substance abuse counselor in accordance with the provisions of this Article.
- (3) Repealed by S.L. 1997-492, s. 2.
- (3a) Certified substance abuse prevention consultant. – A person certified by the Board to practice substance abuse prevention in accordance with the provisions of this Article.
- (4) Clinical supervisor intern. – A person designated by the Board to practice as a clinical supervisor intern for a period not to exceed three years without a showing of good cause in accordance with the provisions of this Article.
- (4a) Credentialing body. – A board that licenses, certifies, or regulates a profession or practice.
- (4b) Deemed status. – Recognition by the Board of the credentials offered by a professional discipline whereby the individuals certified, licensed,

or otherwise recognized by the discipline as having met the standards of a substance abuse specialist may apply individually for certification as a certified clinical addictions specialist.

- (4c) Human services field. – An area of study that focuses on the biological, psychological, and social aspects of human beings.
- (4d) ~~Intern. — A person who successfully completes 300 hours of Board approved supervised practical training and a written examination in pursuit of certification as a substance abuse counselor.~~
- (5) Prevention. – The reduction, delay, or avoidance of alcohol and of other drug use behavior. "Prevention" includes the promotion of positive environments and individual strengths that contribute to personal health and well-being over an entire life and the development of strategies that encourage individuals, families, and communities to take part in assessing and changing their lifestyle and environments.
- (6) Professional discipline. – A field of study characterized by the technical, educational, and ethical standards of a profession.
- (7) Substance abuse counseling. – The assessment, evaluation, and provision of counseling to persons suffering from substance, drug, or alcohol abuse or dependency.
- (7a) Substance abuse counselor intern. – A person who successfully completes 300 hours of Board approved supervised practical training and a written examination in pursuit of certification as a substance abuse counselor.
- (8) Substance abuse professional. – A certified substance abuse counselor, certified substance abuse prevention consultant, certified clinical supervisor, certified clinical addictions specialist, or certified residential facility director."

Section 2. G.S. 90-113.32(b) reads as rewritten:

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

Section 3. G.S. 90-113.32(c) reads as rewritten:

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

- (1) Eleven professionals certified pursuant to this Article and elected by the certified professionals, at least two of whom shall serve each of the four Division of Mental Health, Developmental Disabilities, and Substance Abuse Services regions of the State. Three members shall serve as members at large.
- (2) Three members at large chosen from laypersons or other professional disciplines who have shown a special interest in the field of substance abuse, nominated by the ~~Nominations~~Nominating and Elections Committee established by subsection (d) of this section and elected by the Board.
- (3) Two members from the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Health and Human Services, appointed by the Chief of Substance Abuse Services Section, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Health and Human Services, at least one of whom is from the Substance Abuse Services Section.
- (4) One member of the public at large appointed by the Governor.
- (5) One member of the public at large appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 and one member of the public at large appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.
- (6) One member shall represent each of the professional disciplines granted deemed status under G.S. 90-113.41A. The member may be appointed by the professional discipline on or before a date set by the Board. If the professional discipline has at least one association in the State, the member shall be chosen from a list of nominees submitted to the association. The members appointed or elected under this subdivision shall be certified as substance abuse specialists by the professional discipline that the members represent.

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

Section 4. G.S. 90-113.32(e) reads as rewritten:

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

Section 5. G.S. 90-113.33 reads as rewritten:

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

The Board shall:

- (1) Examine and determine the qualifications and fitness of applicants for certification to practice in this State.
- (1a) Determine the qualifications and fitness of organizations applying for deemed status.
- (2) Issue, renew, deny, suspend, or revoke certification to practice in this State or reprimand or otherwise discipline certificate holders in this State. Denial of an applicant's certification or the granting of certification on a probationary or other conditional status shall be subject to substantially the same rules and procedures prescribed by the Board for review and disciplinary actions against those persons holding certificates. Disciplinary actions involving a clinical addictions specialist whose certification is achieved through deemed status shall be initially heard by the specialist's credentialing body. The specialist may appeal the body's decision to the Board. The Board shall, however, have the authority to hear the initial disciplinary action involving a clinical addictions specialist.
- (3) Deal with issues concerning reciprocity.
- (4) Conduct investigations for the purpose of determining whether violations of this Article or grounds for disciplining exists.
- (5) Employ the professional and clerical personnel necessary to carry out the provisions of this Article. The Board may purchase or rent necessary office space, equipment, and supplies.
- (6) Conduct administrative hearings in accordance with Chapter 150B of the General Statutes when a "contested case", as defined in Chapter 150B, arises.
- (7) Appoint from its own membership one or more members to act as representatives of the Board at any meeting in which it considers this representation is desirable.
- (8) Establish fees for applications for examination, certificates of certification and renewal, and other services provided by the Board.
- (9) Adopt any rules necessary to carry out the purpose of this Article and its duties and responsibilities pursuant to this Article.

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

Section 6. Article 5C of Chapter 90 of the General Statutes is amended by adding a new section to read:

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

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

Section 7. G.S. 90-113.34 reads as rewritten:

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

~~The Board shall obtain documentation of all proceedings under this Article and a record of all persons certified under it. The record~~(a) The Board shall keep a regular record of its proceedings, together with the names of the members of the Board present, the names of the applicants for certification, and other information relevant to its actions. The Board shall cause a record to be kept that shall show the name, last known place of business, last known place of residence, and date and number of the certificate of certification as a certified substance abuse counselor, certified substance abuse prevention consultant, certified clinical supervisor, certified clinical addictions specialist, or certified residential facility director for every living certified person. Any interested person in the State is entitled to obtain a copy of that record on application to the Board and upon payment of a reasonable charge that is based on the costs involved in providing the copy. ~~The Board shall keep a hard copy of all records.~~

(b) The Board may in a closed session receive evidence regarding the provision of substance abuse counseling or other treatment and services provided to a client who has not expressly or through implication consented to the public disclosure of such treatment as may be necessary for the protection of the rights of the client or of the accused substance abuse professional and the full presentation of relevant evidence. All records, papers, and other documents containing information collected and compiled by the Board, its members, or employees as a result of investigations, inquiries, or interviews conducted in connection with a certification or disciplinary matter shall not be considered public records within the meaning of Chapter 132 of the General Statutes,

except any notice or statement of charges, or notice of hearing shall be a public record notwithstanding that it may contain information collected and compiled as a result of an investigation, inquiry, or interview. If any record, paper, or other document containing information collected and compiled by the Board as provided in this subsection is received and admitted in evidence in any hearing before the Board, it shall thereupon be a public record.

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

Section 8. G.S. 90-113.37 reads as rewritten:

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

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

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

Section 9. G.S. 90-113.39 reads as rewritten:

"§ 90-113.39. Standards for certification.

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

Section 10. G.S. 90-113.40 reads as rewritten:

"§ 90-113.40. Requirements for certification.

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

- (1) The applicant is of good moral character.

- (2) The applicant is not and has not engaged in any practice or conduct that would be grounds for disciplinary action under G.S. 90-113.44.
- (3) The applicant is qualified for certification pursuant to the requirements of this Article and any rules adopted pursuant to it.
- (4) The applicant has, at a minimum, a high school diploma or a high school equivalency certificate.
- (5) The applicant has signed a form attesting to the intention to adhere fully to the ethical standards adopted by the Board.
- (6) The applicant has completed 270 hours of Board-approved education. The Board may prescribe that a certain number of hours be in a course of study for substance abuse counseling and that a certain number of hours be in a course of study for substance abuse prevention consulting.
- (7) The applicant has documented completion of a minimum of 300 hours of Supervised Practical Training and has provided a Board-approved supervision contract between the applicant and an approved supervisor.
- (8) The applicant for substance abuse counselor has completed either a total of 6,000 hours of supervised experience in the field, whether paid or volunteer, or, if a graduate of a Board-approved master's degree program, a total of 3,000 hours of supervised experience in the field, whether paid or volunteer. The applicant for substance abuse prevention consultant has completed a total of 10,000 hours supervised experience in the field, whether paid or volunteer, or 4,000 hours if the applicant has at least a bachelors degree in a human services ~~field~~ field from a regionally accredited college or university.
- (9) The applicant has successfully completed a written examination and an oral examination promulgated and administered by the Board.

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

- (1) ~~Has been certified as a substance abuse counselor or a clinical addictions specialist.~~ Submits proof of designation by the Board as a clinical supervisor intern.
- (2) Prior to June 30, 1998, the applicant presents proof that the applicant has 12,000 hours experience in alcohol and drug abuse counseling and a bachelors degree or 8,000 hours experience in alcohol and drug abuse counseling and a minimum of a master's degree. After June 30, 1998, the applicant shall present proof that the applicant has a minimum of a master's ~~degree~~ degree in a human services field with a clinical application from a regionally accredited college or university.
- (3) Has 6,000 hours experience as a substance abuse clinical supervisor if the applicant has a bachelors degree or 4,000 hours experience if the

- applicant has a master's ~~degree~~ degree in a human services field with a clinical application from a regionally accredited college or university.
- (4) Has 30 hours of substance abuse clinical supervision specific education or training. These hours shall be reflective of the 12 core functions in the applicant's clinical application and practice and may also be counted toward the applicant's recertification as a substance abuse counselor.
 - (5) Submits a letter of reference from a professional who can attest to the applicant's supervisory competence and two letters of reference from either counselors who have been supervised by the applicant or professionals who can attest to the applicant's competence.
 - (6) Successfully completes a written examination administered by the Board.

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

- (1) Submits an application, resume, and official transcript showing that the applicant has obtained a master's degree in a human services field with a clinical application from a regionally accredited college or university.
- (2) Submits verification statements.
- (3) Submits proof of certification as a certified substance abuse counselor or a certified clinical addictions specialist.
- (4) Submits documentation establishing that the applicant has completed at least fifty percent (50%) of the required clinical supervision specific training hours as defined by the Board.

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

- (1) Criteria A. – The applicant:
 - a. Has a minimum ~~or~~ of a master's degree with a clinical application in a human services ~~field~~ field from a regionally accredited college or university.
 - b. Has two years postgraduate supervised substance abuse counseling experience.
 - c. Submits three letters of reference from certified clinical addictions specialists or certified substance abuse ~~professionals~~ counselors who have obtained master's degrees.
 - d. Has achieved a combined score set by the Board on a master's level written and oral examination administered by the Board.
 - e. Has attained 180 hours of substance abuse specific training as described in G.S. 90-113.41A.

- f. The applicant has documented completion of a minimum of 300 hours of supervised practical training and has provided a Board-approved supervision contract between the applicant and an approved supervisor.
- (2) Criteria B. – The applicant:
- a. Has a minimum of a master's degree with a clinical application in a human services ~~field.~~ field from a regionally accredited college or university.
 - b. Has been certified as a substance abuse counselor.
 - c. Has one year of postgraduate supervised substance abuse counseling experience.
 - d. Has achieved a passing score on a master's level written examination administered by the Board.
 - e. Submits three letters of reference from certified clinical addictions specialists or certified substance abuse ~~professionals.~~ 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 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. ~~113.41A.~~ 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 clinical addictions specialists or certified substance abuse ~~professionals.~~ 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 'Certified Residential Facility Director' if, in addition to meeting the requirements of subdivisions (a)(1) through (5) of this section, the applicant:

- (1) Has been certified as a substance abuse ~~counselor.~~ counselor or a clinical addictions specialist.
- (2) Has 50 hours of Board approved academic or didactic management specific training or a combination thereof.
- (3) Submits letters of reference from the applicant's current supervisor and a colleague or coworker.

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

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

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

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

Section 11. G.S. 90-113.41 reads as rewritten:

"§ 90-113.41. Examination.

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

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

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

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

Section 12. This act becomes effective October 1, 1999.

In the General Assembly read three times and ratified this the 31st day of May, 1999.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 5:32 p.m. this 8th day of June, 1999