

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 564
HOUSE BILL 233

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

"§ 90-270.47. Definitions.

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

- (1) 'Allied mental health field' and 'degree' mean:
 - a. Master's or doctoral degree in clinical social work;
 - b. Master's or doctoral degree in psychiatric nursing;
 - c. ~~Doctoral~~ Master's or doctoral degree in counseling or clinical or counseling psychology;
 - d. Doctor of medicine or doctor of osteopathy degree with an appropriate residency training in psychiatry; or
 - e. Master's or doctoral degree in any mental health field ~~wherein~~ the course of study of which is equivalent to the master's degree in ~~marital-marriage~~ and family therapy.

- (2) 'Board' means the North Carolina ~~Marital~~Marriage and Family Therapy ~~Certification~~Licensure Board.
- (3) '~~Certified marital~~Licensed marriage and family therapist' means a person to whom a ~~certificate~~license has been issued pursuant to the ~~provisions of this Article, which certificate~~if the license is in force and not suspended or ~~revoked as of the particular time in question.~~revoked.
- (3a) 'Marriage and family therapy' is the clinical practice, within the context of marriage and family systems, of the diagnosis and treatment of psychosocial aspects of mental and emotional disorders. Marriage and family therapy involves the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to families, couples, and individuals for the purpose of treating these diagnosed mental and emotional disorders. Marriage and family therapy includes referrals to and collaboration with other health care professionals when appropriate.
- (4) 'Practice of ~~marital~~marriage and family therapy' means the rendering of professional ~~marital~~marriage and family therapy ~~or counseling~~ services to individuals, ~~family groups and marital pairs,~~couples, or families, singly or in groups, whether ~~such~~the services are offered directly to the general public or through organizations, either public or private, for a fee, monetary or otherwise. '~~Marital and family therapy~~is a specialized field of therapy which centers largely upon the family system and the relationship between husband and wife. 'Marital and family therapy' consists of the application of principles, methods, educational and therapeutic techniques for the purpose of resolving emotional conflict, altering old attitudes and establishing new ones in the area of marriage and family life.
- (5) 'Recognized educational institution' means any educational institution ~~which~~that grants a bachelor's, master's, or ~~doctor's~~doctoral degree and ~~which~~is recognized by the Board ~~or~~and by a nationally or regionally recognized educational or professional accrediting body.

"§ 90-270.48. Prohibited acts.

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

"§ 90-270.48A. Exemptions.

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

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

- (1) The person is (i) preparing for the practice of marriage and family therapy in a manner prescribed by rules of the Board, (ii) under qualified supervision in a training institution or facility or supervisory arrangement recognized and approved by the Board, and (iii) designated by a title such as 'marriage and family therapy intern,' or 'marriage and family therapy supervisee,' or another similar title approved by the Board.
- (2) The person is practicing marriage and family therapy as an employee of a recognized educational institution, or a governmental institution or agency and the practice is included in the duties for which the person was employed by the institution or agency.
- (3) The person is practicing marriage and family therapy as an employee of a nonprofit organization which the Board has determined meets community needs and the practice is included in the duties for which the person was employed by the nonprofit organization.
- (4) The person is practicing marriage and family therapy as an employee of a hospital licensed under Article 5 of Chapter 131E or Article 2 of Chapter 122C of the General Statutes. Provided, however, no such person shall hold himself out as a licensed marriage and family therapist.

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

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

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

(a) Establishment. – There is hereby established as an agency of the State of North Carolina the North Carolina ~~Marital~~ Marriage and Family Therapy Certification Licensure Board, which shall be composed of seven Board members, one of which shall be designated as chairperson, members to be appointed in the manner as provided for in G.S. 90-270.50. ~~Of the first Board members appointed, three shall continue in office for~~

~~two years, two for three years, and two, including the chairperson for four years, respectively. Their successors~~ Board members shall be appointed for terms of four years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Board member whom he shall succeed. Upon the expiration of ~~his~~ a Board member's term of office, ~~a~~ the Board member shall continue to serve until ~~his successor shall have been appointed and shall have a successor has~~ qualified. No person may be appointed more than once to fill an unexpired term or for more than two consecutive full terms. The Governor shall designate one Board member to serve as chairperson ~~during the term of his appointment to the Board~~. No person may serve as chairperson for more than four years.

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

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

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

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

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

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

- (1) Four members shall be practicing ~~marital-marriage~~ marital-marriage and family therapists who ~~meet the educational and experience requirements stated in this Article for persons applying after January 1, 1981; are licensed marriage and family therapists in the State at the time of their appointment, and each shall have been each of whom has been for at least five years immediately preceding appointment actively engaged as a marital-marriage and family therapist in rendering professional services in marital-marriage and family therapy, or in the education and training of doctoral or postdoctoral graduate or postgraduate students of marital-marriage and family therapy, and shall have has spent the majority of the time devoted by him to such this activity in this State during the two years preceding his appointment, in this State.~~ appointment. The initial appointees, appointed pursuant to this section, shall be deemed to be and shall become certified practicing marital and family therapists immediately upon their appointment and qualification as members of the Board.

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

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

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

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

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

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

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

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

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

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

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

"§ 90-270.52. Certification License application.

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

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

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

"§ 90-270.53. Application for certificate without examination before July 1, 1982.

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

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

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

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

- (1) Meets educational and experience qualifications as follows:
 - a. Educational requirements: Possesses a minimum of a master's degree or the equivalent from a recognized educational institution in the field of marital marriage and family therapy or counseling, therapy, or a degree in an allied mental health field, which degree is evidenced by the applicant's official transcripts which establish that he the applicant has completed an appropriate course of study in an allied mental health field. ~~It~~

~~addition, an applicant meets~~ An applicant with a degree in an allied mental health field may meet the educational requirements by presenting if the applicant presents satisfactory evidence of post-master's or post-doctoral training taken in the field of marital-marriage and family therapy or counseling from an educational or training institution or a program recognized by the Board notwithstanding the fact that such regardless whether the training was taken at a nondegree granting institution or in a nondegree program, provided that such as long as the training, by itself or in combination with any training received as part of the program leading to a degree from a recognized educational institution, other training, is the equivalent in content and quality, as defined in the duly adopted rules and regulations of the Board, of a master's or doctoral degree in marital-marriage and family therapy and counseling-therapy;

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

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

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

"§ 90-270.55. Examination-Examinations.

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

"§ 90-270.55A. Temporary license.

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

"§ 90-270.56. Reciprocal certificates. licenses.

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

"§ 90-270.57. Fees.

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

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

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

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

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

"§ 90-270.58. Renewal of certificate. license.

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

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

"§ 90-270.58A. Reinstatement after expiration.

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

"§ 90-270.58B. Inactive status.

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

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

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

"§ 90-270.58C. Continuing education requirements.

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

"§ 90-270.59. Disposition of funds.

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

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

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

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

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

"§ 90-270.61. Penalties.

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

"§ 90-270.62. Injunction.

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 13th day of June, 1994.

Marc Basnight
President Pro Tempore of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives