

Chapter 90B.

Social Worker Certification and Licensure Act.

§ 90B-1. Short title.

This Chapter shall be known as the "Social Worker Certification and Licensure Act." (1983, c. 495, s. 1; 1999-313, s. 1.)

§ 90B-2. Purpose.

Since the profession of social work significantly affects the lives of the people of this State, it is the purpose of this Chapter to protect the public by setting standards for qualification, training, and experience for those who seek to represent themselves to the public as certified social workers or licensed clinical social workers and by promoting high standards of professional performance for those engaged in the practice of social work. (1983, c. 495, s. 1; 1999-313, s. 1.)

§ 90B-3. Definitions.

The following definitions apply in this Chapter:

- (1) Applicant. – An individual who has made application to the Board for the issuance, renewal, or reinstatement of any credential which the Board is authorized by law to issue.
- (1a) Board. – The North Carolina Social Work Certification and Licensure Board.
- (2) Repealed by Session Laws 2013-410, s. 8, effective August 23, 2013.
- (3) Certified master social worker. – A person who is certified under this Chapter to practice social work as a master social worker and is engaged in the practice of social work.
- (4) Certified social work manager. – A person who is certified under this Chapter to practice social work as a social work manager and is engaged in the practice of social work.
- (5) Certified social worker. – A person who is certified under this Chapter to practice social work as a social worker and is engaged in the practice of social work.
- (6) Clinical social work practice. – The professional application of social work theory and methods to the biopsychosocial diagnosis, treatment, or prevention, of emotional and mental disorders. Practice includes, by whatever means of communications, the treatment of individuals, couples, families, and groups, including the use of psychotherapy and referrals to and collaboration with other health professionals when appropriate. Clinical social work practice shall not include the provision of supportive daily living services to persons with severe and persistent mental illness as defined in G.S. 122C-3(33a).
- (6a) Licensed clinical social worker. – A person who is competent to function independently, who holds himself or herself out to the public as a social worker, and who offers or provides clinical social work services or supervises others engaging in clinical social work practice.
- (6b) Licensed clinical social worker associate. – A person issued an associate license to provide clinical social work services pursuant to G.S. 90B-7(f).
- (7) Practice of social work. – To perform or offer to perform services, by whatever means of communications, for other people that involve the application of social work values, principles, and techniques in areas such as social work

services, consultation and administration, and social work planning and research.

- (7a) Social work continuing education. – Training that, in accordance with the requirements established by the Board pursuant to G.S. 90B-6(g), (i) fosters the enhancement of generalized or specialized social work practice, values, skills, or knowledge, and (ii) includes an element addressing how the knowledge and skills may be applied to the practice of social work.
- (8) Social worker. – A person certified, licensed, or associate licensed by this Chapter or otherwise exempt under G.S. 90B-10, or a person who has earned a bachelors, masters, or doctoral degree in social work from a social work program accredited by or in candidacy for accreditation by the Council on Social Work Education.
- (9) Supervision. – The professional relationship between a supervisee and the supervisor in which a supervisor provides guidance, oversight, direction, and evaluation of the services provided by the supervisee in the professional application of social work practice as defined by law. Supervision is designed to promote responsibility, competency, and accountability, and to teach the skills and techniques associated with social work practice. (1983, c. 495, s. 1; 1991, c. 732, s. 1; 1999-313, s. 1; 2007-379, s. 1; 2009-88, s. 1; 2012-72, s. 2; 2013-410, s. 8; 2019-240, s. 10(a).)

§ 90B-4. Prohibitions.

(a) Except as otherwise provided in this Chapter, it is unlawful for any person who is not certified as a social worker, master social worker, or social work manager under this Chapter to represent himself or herself to be certified under this Chapter or hold himself or herself out to the public by any title or description denoting that he or she is certified under this Chapter. A person who resides and practices social work in this State while credentialed in another state or jurisdiction shall clearly amend reference to his or her credential identifying the state or jurisdiction in which the credential is held.

(b) After January 1, 1992, except as otherwise provided in this Chapter, it is unlawful to engage in or offer to engage in the practice of clinical social work without first being licensed under this Chapter as a clinical social worker. A person who, pursuant to G.S. 90B-8(b), resides and practices clinical social work in this State for a period of not more than five days in any calendar year while credentialed in another state or jurisdiction, shall clearly amend reference to his or her credential identifying the state or jurisdiction in which the credential is held.

(c) Nothing herein shall prohibit school social workers who are certified by the State Board of Education from practicing school social work under the title "Certified School Social Worker." Except as provided for licensed clinical social workers, nothing herein shall be construed as prohibiting social workers who are not certified by the Board from practicing social work. Except as provided herein for licensed clinical social workers, no agency, institution, board, commission, bureau, department, division, council, member of the Council of State, or officer of the legislative, executive or judicial branches of State government or counties, cities, towns, villages, other municipal corporations, political subdivisions of the State, public authorities, private corporations created by act of the General Assembly or any firm or corporation receiving State funds shall require the obtaining or holding of any certificate issued under this Chapter or the taking of an

examination held pursuant to this Chapter as a requirement for obtaining or continuing in employment.

(d) Nothing herein shall authorize the practice of medicine as defined in Article 1 of this Chapter or the practice of psychology as defined in Article 18A of this Chapter. (1983, c. 495, s. 1; 1991, c. 732, s. 2; 1999-313, s. 1; 2019-240, s. 10(a).)

§ 90B-5. Board appointments; terms; composition.

(a) For the purpose of carrying out the provisions of this Chapter, there is hereby created the North Carolina Social Work Certification and Licensure Board which shall consist of seven members appointed by the Governor as follows:

- (1) At least one member of the Board shall be a certified social worker, a certified master social worker, or a certified social work manager, four members shall be licensed clinical social workers, and two members shall be appointed from the public at large. Composition of the Board as to the race and sex of its members shall reflect the composition of the population of the State of North Carolina.
- (2) At all times the Board shall include at least one member primarily engaged in social work education, at least one member primarily engaged in social work in the public sector, and at least one member primarily engaged in social work in the private sector.
- (3) All members of the Board shall be residents of the State of North Carolina, and with the exception of the public members, shall be certified or licensed by the Board under the provisions of this Chapter. Professional members of the Board must be actively engaged in the practice of social work or in the education and training of students in social work, and have been for at least three years prior to their appointment to the Board. Such activity during the two years preceding the appointment shall have occurred primarily in this State.

(b) The Governor may only remove a member of the Board for neglect of duty, malfeasance, or conviction of a felony or other crime of moral turpitude.

(c) The term of office of each member of the Board shall be three years. No member shall serve more than two consecutive three-year terms. Each term of service on the Board shall expire on the 30th day of June of the year in which the term expires. As the term of a member expires, the Governor shall make the appointment for a full term, or, if a vacancy occurs for any other reason, for the remainder of the unexpired term.

(d) Members of the Board shall receive compensation for their services and reimbursement for expenses incurred in the performance of duties required by this Chapter, at the rates prescribed in G.S. 93B-5.

(e) The Board may employ, subject to the provisions of Chapter 126 of the General Statutes, the necessary personnel for the performance of its functions, and fix their compensation within the limits of funds available to the Board. (1983, c. 495, s. 1; 1991, c. 732, s. 3; 1999-313, s. 1; 2019-240, s. 10(a).)

§ 90B-6. Functions and duties of the Board.

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

(b) The Board shall elect from its membership, a chairperson, a vice-chairperson, and secretary-treasurer, and adopt rules to govern its proceedings. A majority of the membership shall constitute a quorum for all Board meetings.

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

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

(e) The Board may authorize expenditures deemed necessary to carry out the provisions of this Chapter from the fees which it collects, but in no event shall expenditures exceed the revenues of the Board during any fiscal year. No State appropriations shall be subject to the administration of the Board.

(f) Repealed by Session Laws 1999-313, s. 1, effective July 1, 1999.

(g) The Board shall have the power to establish or approve study or training courses and to establish reasonable standards for certification, licensure, and renewal of certification and licensure, including the power to adopt or use examination materials and accreditation standards of the Council on Social Work Education or other recognized accrediting agency and the power to establish reasonable standards for continuing social work education, except that the Board shall not require an examination for renewal of a certificate or license, and the Board shall not have the power to withhold approval of social work study or training courses offered by a college or university having a social work program approved by the Council on Social Work Education.

(h) Subject to the provisions of Chapter 150B of the General Statutes, the Board shall have the power to adopt rules to carry out the purposes of this Chapter, including but not limited to the power to adopt supervision, ethical, and disciplinary standards.

(i) The Board may order that any records concerning the practice of social work and relevant to a complaint received by the Board or an inquiry or investigation conducted by or on behalf of the Board shall be produced by the custodian of the records to the Board or for inspection and copying by representatives of or counsel to the Board. A social worker licensed by the Board or an agency employing a social worker licensed by the Board shall maintain records for the longer of (i) 10 years from the date the social worker terminates services to the client and the client services record is closed or (ii) the record retention period mandated by a third-party payee. A social worker certified or licensed by the Board shall cooperate fully and in a timely manner with the Board and its designated representatives in an inquiry or investigation of the records conducted by or on behalf of the Board.

(j) The Board shall have the power to employ or retain professional personnel, including legal counsel, subject to G.S. 114-2.3, or clerical or other special personnel deemed necessary to carry out the provisions of this Chapter. (1983, c. 495, s. 1; 1987, c. 827, s. 1; 1995, c. 344, s. 1; 1999-313, s. 1; 2005-129, s. 1; 2007-379, s. 2; 2019-240, s. 10(a).)

§ 90B-6.1. Board general provisions.

The Board shall be subject to the administrative provisions of Chapter 93B of the General Statutes. (1983, c. 495, s. 1.)

§ 90B-6.2. Fees.

- (a) The Board shall establish fees not exceeding the following amounts:
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| (1) | All initial applications | \$200.00 |
| (2) | Examination | Cost plus an amount not to exceed \$40.00 |

(3)	Repeated examination or any additional examination	Cost plus an amount not to exceed \$40.00
(4)	Renewal applications	200.00
(5)	Late fees for renewal	50.00
(6)	Reinstatement	200.00
(7)	Duplicate license	25.00
(8)	Temporary certificate or license	25.00.

(b) Notwithstanding subdivision (a)(4) of this section, the Board may establish a graduated fee schedule for renewals that is based upon the applicant's level of certification or licensure. The Board may establish fees for the actual cost of duplication services, materials, and returned bank items. All fees derived from services provided by the Board under the provisions of this Chapter shall be nonrefundable. The Board shall maintain accounts of all receipts to the Board. (1999-313, s. 1.)

§ 90B-7. Titles and qualifications for certificates and licenses.

(a) Each person desiring to obtain a certificate or license from the Board shall make application to the Board upon such forms and in such manner as the Board shall prescribe, together with the required application fee established by the Board.

(b) The Board shall issue a certificate as "Certified Social Worker" to an applicant who meets the following qualifications:

- (1) Has a bachelors degree in social work from a college or university social work program approved, accredited, or admitted to candidacy for accreditation by the Council on Social Work Education for undergraduate curricula.
- (2) Has passed the Board-approved qualifying examination.

(c) The Board shall issue a certificate as "Certified Master Social Worker" to an applicant who meets the following qualifications:

- (1) Has a masters or doctoral degree in social work from a college or university social work program approved, accredited, or admitted to candidacy for accreditation by the Council on Social Work Education.
- (2) Has passed the Board-approved qualifying examination.

(d) The Board shall issue a license as a "Licensed Clinical Social Worker" to an applicant who meets the following qualifications:

- (1) Has a masters or doctoral degree in social work from a college or university social work program approved, accredited, or admitted to candidacy for accreditation by the Council on Social Work Education.
- (2) Shows to the satisfaction of the Board that he or she has had two years of clinical social work experience with appropriate supervision in the field of specialization in which the applicant will practice.
- (3) Has passed the Board-approved qualifying examination.

(e) The Board shall issue a certificate as a "Certified Social Work Manager" to an applicant who meets the following qualifications:

- (1) Has a bachelor's degree in social work from a college or university social work program approved, accredited, or admitted to candidacy for accreditation, by the Council on Social Work Education for undergraduate curricula.

(2) Shows to the satisfaction of the Board that he or she has had two years of experience in an administrative setting with appropriate supervision and training.

(3) Has passed the Board-approved qualifying examination.

(f) The Board may issue an associate license in clinical social work to a person who has a masters or doctoral degree in social work from a college or university social work program approved, accredited, or in candidacy for accreditation by the Council on Social Work Education and who desires to be licensed as a licensed clinical social worker. The associate license may not be issued for a period exceeding two years and the person issued the associate license must practice under the supervision of a licensed clinical social worker or a Board-approved alternate. The associate licensee shall complete all requirements for licensed clinical social worker licensure within three renewal cycles, or a total of six years, unless otherwise directed by the Board. Associate licensees who fail to satisfy all requirements for licensed clinical social worker licensure within six years from the date of associate license issuance may apply for a new associate license. However, the Board shall not issue a subsequent associate license to an applicant until the applicant has passed the qualifying examination required by the Board. Supervision and experience hours acquired under an associate license shall expire six years from the date of initial associate license issuance, and expired supervision and experience hours shall not apply toward future licensure. (1983, c. 495, s. 1; 1991, c. 732, s. 4; 1999-313, s. 1; 2007-379, s. 3; 2012-72, s. 3; 2019-240, s. 10(a).)

§ 90B-8. Persons from other jurisdictions.

(a) The Board may grant a reciprocal certificate or license without examination or by special examination to any person who, at the time of application, is certified, registered or licensed in good standing as a social worker by a similar board of another country, state, or territory whose certification, registration or licensing standards are substantially equivalent to those required by this Chapter. The applicant shall have passed an examination in the country, state, or territory in which he or she is certified, registered, or licensed that is equivalent to the examination required for the level of certification or licensure sought in this State.

(b) The Board may issue a temporary license to a nonresident clinical social worker who is either certified, registered, or licensed in another jurisdiction whose standards, in the opinion of the Board, at the time of the person's certification, registration, or licensure were substantially equivalent to or higher than the requirements of this Chapter. Nothing in this Chapter shall be construed as prohibiting a nonresident clinical social worker certified, registered, or licensed in another state from rendering professional clinical social work services in this State for a period of not more than five days in any calendar year. All persons granted a temporary clinical social worker license shall comply with the supervision requirements established by the Board and shall fulfill all requirements for licensure prior to the expiration of the temporary license.

(c) The Board shall issue a temporary license to a military or military spouse applicant who meets the requirements of G.S. 93B-15.1. Prior to the expiration of the temporary license, the applicant shall fulfill all requirements for licensure, in accordance with G.S. 93B-15.1 or the requirements of this Chapter. (1983, c. 495, s. 1; 1999-313, s. 1; 2019-240, s. 10(a).)

§ 90B-9. Renewal of certificates and licenses.

(a) All certificates and licenses, excluding temporary licenses, shall be effective upon date of issuance by the Board, and shall be renewed on or before the expiration date of the certificate or license.

(b) All certificates and licenses issued hereunder shall be renewed at the times and in the manner provided by this section. At least 45 days prior to expiration of each certificate or license, the Board shall mail a notice of renewal to the certificate holder or licensee. Prior to the expiration date, the applicant shall submit to the Board the properly completed application for renewal, the renewal fee pursuant to G.S. 90B-6.2(a)(4), and evidence of completion of the continuing education requirements established by the Board pursuant to G.S. 90B-6(g), upon receipt of which the Board shall renew the certificate or license. If the application for renewal of a certificate or license is not received by the Board office on or before the close of business on the day prior to the expiration date of the license, an additional fee shall be charged for late renewal as provided in G.S. 90B-6.2(a)(5).

(c) A certificate or license issued under this Chapter shall be automatically suspended for failure to renew for a period of more than 60 days after the renewal date. The Board may reinstate a certificate or license suspended under this subsection upon verification of compliance with current requirements and payment of a reinstatement fee as provided in G.S. 90B-6.2(a)(6) and may require that the applicant file a new application, furnish new supervisory reports or references or otherwise update his or her credentials, or submit to examination for reinstatement. The Board shall have exclusive jurisdiction to investigate alleged violations of this Chapter by any person whose certificate or license has been suspended under this subsection and, upon proof of any violation of this Chapter, the Board may take disciplinary action as provided in G.S. 90B-11.

(d) Recodified as G.S. 90B-9.1 by Session Laws 2019-240, s. 10(a), effective January 1, 2021. (1983, c. 495, s. 1; 1999-313, s. 1; 2006-226, s. 19; 2019-240, s. 10(a).)

§ 90B-9.1. Nonpracticing status.

(a) Any person certified or licensed and desiring to retire temporarily from the practice of social work shall send written notice thereof to the Board. Upon receipt of the notice, his or her certificate or license shall be placed on nonpracticing status. During a period of nonpracticing status, the certificate or license holder is not subject to payment of renewal fees and is not subject to continuing education requirements corresponding to his or her credential. Social workers whose certificate or license has been placed on nonpracticing status shall not refer to themselves as certified or licensed by the Board and shall not engage in social work practice that requires an active certificate or license under this Chapter.

(b) In order to reactivate a certificate or license that has been placed on nonpracticing status, a person shall apply to the Board by making a written request for reactivation. Upon payment of the renewal fee as provided in G.S. 90B-6.2, and upon receipt of documentation to the satisfaction of the Board that continuing education requirements for the certification or licensure are complete, the Board shall reactivate the certificate or license of an applicant who is otherwise qualified under this Chapter. (2019-240, s. 10(a); 2021-88, s. 8.)

§ 90B-10. Exemption from certain requirements.

(a) Applicants who were engaged in the practice of social work before January 1, 1984, shall be exempt from the academic qualifications required by this act for certified social workers and certified social work managers and shall be certified upon passing the Board examination and meeting the experience requirements, if any, for certification of persons in that classification.

(b) The following may engage in clinical social work practice without meeting the requirements of G.S. 90B-7(d):

- (1) Repealed by Session Laws 2007-379, s. 4, effective August 19, 2007.
- (2) A student completing a clinical requirement for graduation while pursuing a course of study in social work in an institution accredited by or in candidacy status with the Council on Social Work Education.
- (3) Repealed by Session Laws 2007-379, s. 4, effective August 19, 2007.

(c) Notwithstanding G.S. 90B-4 and G.S. 90B-16, any individual who is employed by an agency of a local or State governmental entity, and who is in a position holding the title of "Social Worker" or any variation of the name, and whose position title is derived from the Office of State Human Resources Classification Specifications may use the title "Social Worker" or any variation of the title. This includes persons in such positions in counties whose classification and compensation systems have been certified as substantially equivalent by the State Human Resources Commission and persons serving in such positions in Human Services agencies created by counties pursuant to G.S. 153A-77. (1983, c. 495, s. 1; 1991, c. 732, s. 5; 1993 (Reg. Sess., 1994), c. 745, s. 38.1; 1996, 2nd Ex. Sess., c. 18, s. 24.11; 1997-443, s. 11.31; 2007-379, s. 4; 2009-88, s. 2; 2013-382, s. 9.1(c); 2019-240, s. 10(a).)

§ 90B-11. Disciplinary procedures.

(a) The Board may, in accordance with the provisions of Chapter 150B of the General Statutes, deny, suspend, or revoke an application, certificate, or license on any of the following grounds:

- (1) Conviction of or the entering of a plea of guilty or nolo contendere to any misdemeanor involving moral turpitude, misrepresentation or fraud in dealing with the public, conduct otherwise relevant to fitness to practice social work, or any misdemeanor reflecting inability to practice social work with due regard to the health and safety of clients or patients.
- (2) Conviction of a felony or the entering of a plea of guilty or nolo contendere to a felony under the laws of the United States or of any state of the United States.
- (3) Gross unprofessional conduct, dishonest practice or incompetence in the practice of social work.
- (4) Procuring or attempting to procure a certificate or license by fraud, deceit, or misrepresentation.
- (5) Any fraudulent or dishonest conduct in social work.
- (6) Inability of the person to perform the functions for which he or she is certified or licensed, or substantial impairment of abilities by reason of physical or mental disability.
- (7) Violations of any of the provisions of this Chapter or of rules of the Board.

(b) Upon proof that an applicant, certificate holder, or licensee under this Chapter has engaged in any of the prohibited actions specified in subsection (a) of this section, the Board may, in lieu of denial, suspension, or revocation, take one or more of the following actions:

- (1) Issue a reprimand or censure.
- (2) Order probation with conditions deemed appropriate by the Board.
- (3) Require examination, remediation, or rehabilitation, including care, counseling, or treatment by a professional designated or approved by the Board, the cost of which shall be borne by the applicant, certificate holder, or licensee.

- (4) Require supervision for the services provided by the applicant, certificate holder, or licensee by a certified or licensed social worker designated and approved by the Board, the cost of which shall be borne by the applicant, certificate holder, or licensee.
- (5) Limit or circumscribe the practice of social work provided by the applicant, certificate holder, or licensee with respect to the extent, nature, or location of the services provided.

(c) The Board may impose conditions of probation or restrictions upon continued practice at the conclusion of a period of suspension or as a requirement for the restoration of a revoked or suspended certificate or license. Instead of or in connection with any disciplinary proceeding or investigation, the Board may enter into a consent order with an applicant, certificate holder, or licensee relative to a discipline, supervision, probation, remediation, rehabilitation, or practice limitation.

(d) In considering whether an applicant, certificate holder, or licensee is mentally or physically capable of practicing social work with reasonable skill and safety, the Board may require an applicant, certificate holder, or licensee to submit to any of the following, at his or her own expense: (i) a criminal history record check, including fingerprints, (ii) a mental examination and substance abuse assessment by a licensed clinical social worker or other licensed mental health professional designated by the Board, and (iii) a physical examination by a physician or other licensed health professional designated by the Board. The examination may be ordered by the Board before or after charges are presented against the applicant, certificate holder, or licensee and the results of the examination shall be reported directly to the Board and shall be admissible in evidence in a hearing before the Board.

(e) The Board shall provide the opportunity for a hearing under Article 3A of Chapter 150B of the General Statutes to: (i) any person whose certification or licensure was denied or granted subject to restrictions, probation, disciplinary action, remediation, or other conditions or limitations; and (ii) any certificate holder or licensee before revoking or suspending his or her certificate or license or restricting his or her practice or imposing any other disciplinary action or remediation. If the applicant, certificate holder, or licensee waives the opportunity for a hearing, the Board's denial, revocation, suspension, or other action shall be final. No applicant, certificate holder, or licensee shall be entitled to a hearing for failure to pass a qualifying examination.

(f) In any proceeding before the Board, complaint or notice of charges against any applicant, certificate holder, or licensee, and any decision rendered by the Board, the Board may withhold from public disclosure the identity of any client who has not consented to the public disclosure of social work services provided to him or her by the applicant, certificate holder, or licensee. If necessary for the protection and rights of a client and the full presentation of relevant evidence, the Board may close a hearing to the public and receive evidence involving or concerning the delivery of social work services.

(g) Records, papers, and other documents containing information collected and compiled by or on behalf of the Board as a result of an investigation, inquiry, or interview conducted in connection with certification, licensure, or a disciplinary matter shall not be considered public records within the meaning of Chapter 132 of the General Statutes. Any notice or statement of charges, notice of hearing, or decision rendered in connection with a hearing, shall be a public record. Information that identifies a client who has not consented to the public disclosure of services rendered to him or her by a person certified or licensed under this Chapter shall be deleted from the public record. All other records, papers, and documents containing information collected

and compiled by or on behalf of the Board shall be public records, but any information that identifies a client who has not consented to the public disclosure of services rendered to him or her shall be deleted.

(h) The Board may assess costs of disciplinary action against an applicant, certificate holder, or licensee found to be in violation of the provisions of this Chapter or of any rules adopted by the Board pursuant to this Chapter. (1983, c. 495, s. 1; 1987, c. 827, s. 1; 1999-313, s. 1; 2019-240, s. 10(a).)

§ 90B-12. Violation a misdemeanor.

Any person violating any provision of this Chapter is guilty of a Class 2 misdemeanor. (1983, c. 495, s. 1; 1993, c. 539, s. 654; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 90B-13. Injunction.

As an additional remedy, the Board may proceed in a superior court to enjoin and restrain any person from violating the prohibitions of this Chapter. The Board shall not be required to post bond in connection with such proceeding. (1983, c. 495, s. 1.)

§ 90B-14. Third-party reimbursements.

Nothing in this Chapter shall be construed to authorize or require direct third-party reimbursement to persons certified under this Chapter. (1991, c. 732, s. 6.)

§ 90B-15. License or certificate to be displayed.

A person licensed or certified under this Chapter shall conspicuously display the license or certificate issued by the Board at the licensee's or certificate holder's primary place of practice. (2007-379, s. 5.)

§ 90B-16. Title protection.

(a) Except as provided in G.S. 90B-10, an individual who (i) is not certified, licensed, or associate licensed by this Chapter as a social worker, (ii) does not hold a bachelor's or master's degree in social work from a college or university having a social work program accredited or admitted to candidacy for accreditation by the Council of Social Work Education, or (iii) has not received a doctorate in social work shall not use the title "Social Worker" or any variation of the title.

(b) The Board is authorized to enforce title protection pursuant to this section in accordance with G.S. 90B-13.

(c) The Board shall adopt rules to implement this section. (2009-88, s. 3; 2012-72, s. 4.)

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Article 1.

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§ 90B-3. Definitions.

The following definitions apply in this Chapter:

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or knowledge, and (ii) includes an element addressing how the knowledge and skills may be applied to the practice of social work.

- (8) Social worker. – A person certified, licensed, or associate licensed by this Chapter or otherwise exempt under G.S. 90B-10, or a person who has earned a bachelors, masters, or doctoral degree in social work from a social work program accredited by or in candidacy for accreditation by the Council on Social Work Education.
- (9) Supervision. – The professional relationship between a supervisee and the supervisor in which a supervisor provides guidance, oversight, direction, and evaluation of the services provided by the supervisee in the professional application of social work practice as defined by law. Supervision is designed to promote responsibility, competency, and accountability, and to teach the skills and techniques associated with social work practice. (1983, c. 495, s. 1; 1991, c. 732, s. 1; 1999-313, s. 1; 2007-379, s. 1; 2009-88, s. 1; 2012-72, s. 2; 2013-410, s. 8; 2019-240, s. 10(a); 2025-7, s. 1(a).)

§ 90B-4. Prohibitions.

(a) Except as otherwise provided in this Chapter, it is unlawful for any person who is not certified as a social worker, master social worker, or social work manager under this Chapter to represent himself or herself to be certified under this Chapter or hold himself or herself out to the public by any title or description denoting that he or she is certified under this Chapter. A person who resides and practices social work in this State while credentialed in another state or jurisdiction shall clearly amend reference to his or her credential identifying the state or jurisdiction in which the credential is held.

(b) After January 1, 1992, except as otherwise provided in this Chapter, it is unlawful to engage in or offer to engage in the practice of clinical social work without first being licensed under this Chapter as a clinical social worker. A person who, pursuant to G.S. 90B-8(b), resides and practices clinical social work in this State for a period of not more than five days in any calendar year while credentialed in another state or jurisdiction, shall clearly amend reference to his or her credential identifying the state or jurisdiction in which the credential is held.

(c) Nothing herein shall prohibit school social workers who are certified by the State Board of Education from practicing school social work under the title "Certified School Social Worker." Except as provided for licensed clinical social workers, nothing herein shall be construed as prohibiting social workers who are not certified by the Board from practicing social work. Except as provided herein for licensed clinical social workers, no agency, institution, board, commission, bureau, department, division, council, member of the Council of State, or officer of the legislative, executive or judicial branches of State government or counties, cities, towns, villages, other municipal corporations, political subdivisions of the State, public authorities, private corporations created by act of the General Assembly or any firm or corporation receiving State funds shall require the obtaining or holding of any certificate issued under this Chapter or the taking of an examination held pursuant to this Chapter as a requirement for obtaining or continuing in employment.

(d) Nothing herein shall authorize the practice of medicine as defined in Article 1 of this Chapter or the practice of psychology as defined in Article 18A of this Chapter. (1983, c. 495, s. 1; 1991, c. 732, s. 2; 1999-313, s. 1; 2019-240, s. 10(a); 2025-7, s. 1(a).)

§ 90B-5. Board appointments; terms; composition.

(a) For the purpose of carrying out the provisions of this Chapter, there is hereby created the North Carolina Social Work Certification and Licensure Board which shall consist of seven members appointed by the Governor as follows:

- (1) At least one member of the Board shall be a certified social worker, a certified master social worker, or a certified social work manager, four members shall be licensed clinical social workers, and two members shall be appointed from the public at large. Composition of the Board as to the race and sex of its members shall reflect the composition of the population of the State of North Carolina.
- (2) At all times the Board shall include at least one member primarily engaged in social work education, at least one member primarily engaged in social work in the public sector, and at least one member primarily engaged in social work in the private sector.
- (3) All members of the Board shall be residents of the State of North Carolina, and with the exception of the public members, shall be certified or licensed by the Board under the provisions of this Chapter. Professional members of the Board must be actively engaged in the practice of social work or in the education and training of students in social work, and have been for at least three years prior to their appointment to the Board. Such activity during the two years preceding the appointment shall have occurred primarily in this State.

(b) The Governor may only remove a member of the Board for neglect of duty, malfeasance, or conviction of a felony or other crime of moral turpitude.

(c) The term of office of each member of the Board shall be three years. No member shall serve more than two consecutive three-year terms. Each term of service on the Board shall expire on the 30th day of June of the year in which the term expires. As the term of a member expires, the Governor shall make the appointment for a full term, or, if a vacancy occurs for any other reason, for the remainder of the unexpired term.

(d) Members of the Board shall receive compensation for their services and reimbursement for expenses incurred in the performance of duties required by this Chapter, at the rates prescribed in G.S. 93B-5.

(e) The Board may employ, subject to the provisions of Chapter 126 of the General Statutes, the necessary personnel for the performance of its functions, and fix their compensation within the limits of funds available to the Board. (1983, c. 495, s. 1; 1991, c. 732, s. 3; 1999-313, s. 1; 2019-240, s. 10(a); 2025-7, s. 1(a).)

§ 90B-6. Functions and duties of the Board.

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

(b) The Board shall elect from its membership, a chairperson, a vice-chairperson, and secretary-treasurer, and adopt rules to govern its proceedings. A majority of the membership shall constitute a quorum for all Board meetings.

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

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

(e) The Board may authorize expenditures deemed necessary to carry out the provisions of this Chapter from the fees which it collects, but in no event shall expenditures exceed the revenues of the Board during any fiscal year. No State appropriations shall be subject to the administration of the Board.

(f) Repealed by Session Laws 1999-313, s. 1, effective July 1, 1999.

(g) The Board shall have the power to establish or approve study or training courses and to establish reasonable standards for certification, licensure, and renewal of certification and licensure, including the power to adopt or use examination materials and accreditation standards of the Council on Social Work Education or other recognized accrediting agency and the power to establish reasonable standards for continuing social work education, except that the Board shall not require an examination for renewal of a certificate or license, and the Board shall not have the power to withhold approval of social work study or training courses offered by a college or university having a social work program approved by the Council on Social Work Education.

(h) Subject to the provisions of Chapter 150B of the General Statutes, the Board shall have the power to adopt rules to carry out the purposes of this Chapter, including but not limited to the power to adopt supervision, ethical, and disciplinary standards.

(i) The Board may order that any records concerning the practice of social work and relevant to a complaint received by the Board or an inquiry or investigation conducted by or on behalf of the Board shall be produced by the custodian of the records to the Board or for inspection and copying by representatives of or counsel to the Board. A social worker licensed by the Board or an agency employing a social worker licensed by the Board shall maintain records for the longer of (i) 10 years from the date the social worker terminates services to the client and the client services record is closed or (ii) the record retention period mandated by a third-party payee. A social worker certified or licensed by the Board shall cooperate fully and in a timely manner with the Board and its designated representatives in an inquiry or investigation of the records conducted by or on behalf of the Board.

(j) The Board shall have the power to employ or retain professional personnel, including legal counsel, subject to G.S. 114-2.3, or clerical or other special personnel deemed necessary to carry out the provisions of this Chapter. (1983, c. 495, s. 1; 1987, c. 827, s. 1; 1995, c. 344, s. 1; 1999-313, s. 1; 2005-129, s. 1; 2007-379, s. 2; 2019-240, s. 10(a); 2025-7, s. 1(a).)

§ 90B-6.1. Board general provisions.

The Board shall be subject to the administrative provisions of Chapter 93B of the General Statutes. (1983, c. 495, s. 1; 2025-7, s. 1(a).)

§ 90B-6.2. Fees.

- (a) The Board shall establish fees not exceeding the following amounts:
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|-----|--|---|
| (1) | All initial applications | \$200.00 |
| (2) | Examination | Cost plus an amount not to exceed \$40.00 |
| (3) | Repeated examination or any additional examination | Cost plus an amount not to exceed \$40.00 |
| (4) | Renewal applications | 200.00 |

(5)	Late fees for renewal	50.00
(6)	Reinstatement	200.00
(7)	Duplicate license	25.00
(8)	Temporary certificate or license	25.00.

(b) Notwithstanding subdivision (a)(4) of this section, the Board may establish a graduated fee schedule for renewals that is based upon the applicant's level of certification or licensure. The Board may establish fees for the actual cost of duplication services, materials, and returned bank items. All fees derived from services provided by the Board under the provisions of this Chapter shall be nonrefundable. The Board shall maintain accounts of all receipts to the Board. (1999-313, s. 1; 2025-7, s. 1(a).)

§ 90B-7. Titles and qualifications for certificates and licenses.

(a) Each person desiring to obtain a certificate or license from the Board shall make application to the Board upon such forms and in such manner as the Board shall prescribe, together with the required application fee established by the Board.

(b) The Board shall issue a certificate as "Certified Social Worker" to an applicant who meets the following qualifications:

- (1) Has a bachelors degree in social work from a college or university social work program approved, accredited, or admitted to candidacy for accreditation by the Council on Social Work Education for undergraduate curricula.
- (2) Has passed the Board-approved qualifying examination.

(c) The Board shall issue a certificate as "Certified Master Social Worker" to an applicant who meets the following qualifications:

- (1) Has a masters or doctoral degree in social work from a college or university social work program approved, accredited, or admitted to candidacy for accreditation by the Council on Social Work Education.
- (2) Has passed the Board-approved qualifying examination.

(d) The Board shall issue a license as a "Licensed Clinical Social Worker" to an applicant who meets the following qualifications:

- (1) Has a masters or doctoral degree in social work from a college or university social work program approved, accredited, or admitted to candidacy for accreditation by the Council on Social Work Education.
- (2) Shows to the satisfaction of the Board that he or she has had two years of clinical social work experience with appropriate supervision in the field of specialization in which the applicant will practice.
- (3) Has passed the Board-approved qualifying examination.

(e) The Board shall issue a certificate as a "Certified Social Work Manager" to an applicant who meets the following qualifications:

- (1) Has a bachelor's degree in social work from a college or university social work program approved, accredited, or admitted to candidacy for accreditation, by the Council on Social Work Education for undergraduate curricula.
- (2) Shows to the satisfaction of the Board that he or she has had two years of experience in an administrative setting with appropriate supervision and training.
- (3) Has passed the Board-approved qualifying examination.

(f) The Board may issue an associate license in clinical social work to a person who has a masters or doctoral degree in social work from a college or university social work program approved, accredited, or in candidacy for accreditation by the Council on Social Work Education and who desires to be licensed as a licensed clinical social worker. The associate license may not be issued for a period exceeding two years and the person issued the associate license must practice under the supervision of a licensed clinical social worker or a Board-approved alternate. The associate licensee shall complete all requirements for licensed clinical social worker licensure within three renewal cycles, or a total of six years, unless otherwise directed by the Board. Associate licensees who fail to satisfy all requirements for licensed clinical social worker licensure within six years from the date of associate license issuance may apply for a new associate license. However, the Board shall not issue a subsequent associate license to an applicant until the applicant has passed the qualifying examination required by the Board. Supervision and experience hours acquired under an associate license shall expire six years from the date of initial associate license issuance, and expired supervision and experience hours shall not apply toward future licensure. (1983, c. 495, s. 1; 1991, c. 732, s. 4; 1999-313, s. 1; 2007-379, s. 3; 2012-72, s. 3; 2019-240, s. 10(a); 2025-7, s. 1(a).)

§ 90B-8. Persons from other jurisdictions.

(a) The Board may grant a reciprocal certificate or license without examination or by special examination to any person who, at the time of application, is certified, registered or licensed in good standing as a social worker by a similar board of another country, state, or territory whose certification, registration or licensing standards are substantially equivalent to those required by this Chapter. The applicant shall have passed an examination in the country, state, or territory in which he or she is certified, registered, or licensed that is equivalent to the examination required for the level of certification or licensure sought in this State.

(b) The Board may issue a temporary license to a nonresident clinical social worker who is either certified, registered, or licensed in another jurisdiction whose standards, in the opinion of the Board, at the time of the person's certification, registration, or licensure were substantially equivalent to or higher than the requirements of this Chapter. Nothing in this Chapter shall be construed as prohibiting a nonresident clinical social worker certified, registered, or licensed in another state from rendering professional clinical social work services in this State for a period of not more than five days in any calendar year. All persons granted a temporary clinical social worker license shall comply with the supervision requirements established by the Board and shall fulfill all requirements for licensure prior to the expiration of the temporary license.

(c) The Board shall issue a temporary license to a military or military spouse applicant who meets the requirements of G.S. 93B-15.1. Prior to the expiration of the temporary license, the applicant shall fulfill all requirements for licensure, in accordance with G.S. 93B-15.1 or the requirements of this Chapter. (1983, c. 495, s. 1; 1999-313, s. 1; 2019-240, s. 10(a); 2025-7, s. 1(a).)

§ 90B-9. Renewal of certificates and licenses.

(a) All certificates and licenses, excluding temporary licenses, shall be effective upon date of issuance by the Board, and shall be renewed on or before the expiration date of the certificate or license.

(b) All certificates and licenses issued hereunder shall be renewed at the times and in the manner provided by this section. At least 45 days prior to expiration of each certificate or license,

the Board shall mail a notice of renewal to the certificate holder or licensee. Prior to the expiration date, the applicant shall submit to the Board the properly completed application for renewal, the renewal fee pursuant to G.S. 90B-6.2(a)(4), and evidence of completion of the continuing education requirements established by the Board pursuant to G.S. 90B-6(g), upon receipt of which the Board shall renew the certificate or license. If the application for renewal of a certificate or license is not received by the Board office on or before the close of business on the day prior to the expiration date of the license, an additional fee shall be charged for late renewal as provided in G.S. 90B-6.2(a)(5).

(c) A certificate or license issued under this Chapter shall be automatically suspended for failure to renew for a period of more than 60 days after the renewal date. The Board may reinstate a certificate or license suspended under this subsection upon verification of compliance with current requirements and payment of a reinstatement fee as provided in G.S. 90B-6.2(a)(6) and may require that the applicant file a new application, furnish new supervisory reports or references or otherwise update his or her credentials, or submit to examination for reinstatement. The Board shall have exclusive jurisdiction to investigate alleged violations of this Chapter by any person whose certificate or license has been suspended under this subsection and, upon proof of any violation of this Chapter, the Board may take disciplinary action as provided in G.S. 90B-11.

(d) Recodified as G.S. 90B-9.1 by Session Laws 2019-240, s. 10(a), effective January 1, 2021. (1983, c. 495, s. 1; 1999-313, s. 1; 2006-226, s. 19; 2019-240, s. 10(a); 2025-7, s. 1(a).)

§ 90B-9.1. Nonpracticing status.

(a) Any person certified or licensed and desiring to retire temporarily from the practice of social work shall send written notice thereof to the Board. Upon receipt of the notice, his or her certificate or license shall be placed on nonpracticing status. During a period of nonpracticing status, the certificate or license holder is not subject to payment of renewal fees and is not subject to continuing education requirements corresponding to his or her credential. Social workers whose certificate or license has been placed on nonpracticing status shall not refer to themselves as certified or licensed by the Board and shall not engage in social work practice that requires an active certificate or license under this Chapter.

(b) In order to reactivate a certificate or license that has been placed on nonpracticing status, a person shall apply to the Board by making a written request for reactivation. Upon payment of the renewal fee as provided in G.S. 90B-6.2, and upon receipt of documentation to the satisfaction of the Board that continuing education requirements for the certification or licensure are complete, the Board shall reactivate the certificate or license of an applicant who is otherwise qualified under this Chapter. (2019-240, s. 10(a); 2021-88, s. 8; 2025-7, s. 1(a).)

§ 90B-10. Exemption from certain requirements.

(a) Applicants who were engaged in the practice of social work before January 1, 1984, shall be exempt from the academic qualifications required by this act for certified social workers and certified social work managers and shall be certified upon passing the Board examination and meeting the experience requirements, if any, for certification of persons in that classification.

(b) The following may engage in clinical social work practice without meeting the requirements of G.S. 90B-7(d):

(1) Repealed by Session Laws 2007-379, s. 4, effective August 19, 2007.

(2) A student completing a clinical requirement for graduation while pursuing a course of study in social work in an institution accredited by or in candidacy status with the Council on Social Work Education.

(3) Repealed by Session Laws 2007-379, s. 4, effective August 19, 2007.

(c) Notwithstanding G.S. 90B-4 and G.S. 90B-16, any individual who is employed by an agency of a local or State governmental entity, and who is in a position holding the title of "Social Worker" or any variation of the name, and whose position title is derived from the Office of State Human Resources Classification Specifications may use the title "Social Worker" or any variation of the title. This includes persons in such positions in counties whose classification and compensation systems have been certified as substantially equivalent by the State Human Resources Commission and persons serving in such positions in Human Services agencies created by counties pursuant to G.S. 153A-77. (1983, c. 495, s. 1; 1991, c. 732, s. 5; 1993 (Reg. Sess., 1994), c. 745, s. 38.1; 1996, 2nd Ex. Sess., c. 18, s. 24.11; 1997-443, s. 11.31; 2007-379, s. 4; 2009-88, s. 2; 2013-382, s. 9.1(c); 2019-240, s. 10(a); 2025-7, s. 1(a).)

§ 90B-11. Disciplinary procedures.

(a) The Board may, in accordance with the provisions of Chapter 150B of the General Statutes, deny, suspend, or revoke an application, certificate, or license on any of the following grounds:

(1) Conviction of or the entering of a plea of guilty or nolo contendere to any misdemeanor involving moral turpitude, misrepresentation or fraud in dealing with the public, conduct otherwise relevant to fitness to practice social work, or any misdemeanor reflecting inability to practice social work with due regard to the health and safety of clients or patients.

(2) Conviction of a felony or the entering of a plea of guilty or nolo contendere to a felony under the laws of the United States or of any state of the United States.

(3) Gross unprofessional conduct, dishonest practice or incompetence in the practice of social work.

(4) Procuring or attempting to procure a certificate or license by fraud, deceit, or misrepresentation.

(5) Any fraudulent or dishonest conduct in social work.

(6) Inability of the person to perform the functions for which he or she is certified or licensed, or substantial impairment of abilities by reason of physical or mental disability.

(7) Violations of any of the provisions of this Chapter or of rules of the Board.

(b) Upon proof that an applicant, certificate holder, or licensee under this Chapter has engaged in any of the prohibited actions specified in subsection (a) of this section, the Board may, in lieu of denial, suspension, or revocation, take one or more of the following actions:

(1) Issue a reprimand or censure.

(2) Order probation with conditions deemed appropriate by the Board.

(3) Require examination, remediation, or rehabilitation, including care, counseling, or treatment by a professional designated or approved by the Board, the cost of which shall be borne by the applicant, certificate holder, or licensee.

(4) Require supervision for the services provided by the applicant, certificate holder, or licensee by a certified or licensed social worker designated and

approved by the Board, the cost of which shall be borne by the applicant, certificate holder, or licensee.

- (5) Limit or circumscribe the practice of social work provided by the applicant, certificate holder, or licensee with respect to the extent, nature, or location of the services provided.

(c) The Board may impose conditions of probation or restrictions upon continued practice at the conclusion of a period of suspension or as a requirement for the restoration of a revoked or suspended certificate or license. Instead of or in connection with any disciplinary proceeding or investigation, the Board may enter into a consent order with an applicant, certificate holder, or licensee relative to a discipline, supervision, probation, remediation, rehabilitation, or practice limitation.

(d) In considering whether an applicant, certificate holder, or licensee is mentally or physically capable of practicing social work with reasonable skill and safety, the Board may require an applicant, certificate holder, or licensee to submit to any of the following, at his or her own expense: (i) a criminal history record check, including fingerprints, (ii) a mental examination and substance abuse assessment by a licensed clinical social worker or other licensed mental health professional designated by the Board, and (iii) a physical examination by a physician or other licensed health professional designated by the Board. The examination may be ordered by the Board before or after charges are presented against the applicant, certificate holder, or licensee and the results of the examination shall be reported directly to the Board and shall be admissible in evidence in a hearing before the Board.

(e) The Board shall provide the opportunity for a hearing under Article 3A of Chapter 150B of the General Statutes to: (i) any person whose certification or licensure was denied or granted subject to restrictions, probation, disciplinary action, remediation, or other conditions or limitations; and (ii) any certificate holder or licensee before revoking or suspending his or her certificate or license or restricting his or her practice or imposing any other disciplinary action or remediation. If the applicant, certificate holder, or licensee waives the opportunity for a hearing, the Board's denial, revocation, suspension, or other action shall be final. No applicant, certificate holder, or licensee shall be entitled to a hearing for failure to pass a qualifying examination.

(f) In any proceeding before the Board, complaint or notice of charges against any applicant, certificate holder, or licensee, and any decision rendered by the Board, the Board may withhold from public disclosure the identity of any client who has not consented to the public disclosure of social work services provided to him or her by the applicant, certificate holder, or licensee. If necessary for the protection and rights of a client and the full presentation of relevant evidence, the Board may close a hearing to the public and receive evidence involving or concerning the delivery of social work services.

(g) Records, papers, and other documents containing information collected and compiled by or on behalf of the Board as a result of an investigation, inquiry, or interview conducted in connection with certification, licensure, or a disciplinary matter shall not be considered public records within the meaning of Chapter 132 of the General Statutes. Any notice or statement of charges, notice of hearing, or decision rendered in connection with a hearing, shall be a public record. Information that identifies a client who has not consented to the public disclosure of services rendered to him or her by a person certified or licensed under this Chapter shall be deleted from the public record. All other records, papers, and documents containing information collected and compiled by or on behalf of the Board shall be public records, but any information that

identifies a client who has not consented to the public disclosure of services rendered to him or her shall be deleted.

(h) The Board may assess costs of disciplinary action against an applicant, certificate holder, or licensee found to be in violation of the provisions of this Chapter or of any rules adopted by the Board pursuant to this Chapter. (1983, c. 495, s. 1; 1987, c. 827, s. 1; 1999-313, s. 1; 2019-240, s. 10(a); 2025-7, s. 1(a).)

§ 90B-12. Violation a misdemeanor.

Any person violating any provision of this Chapter is guilty of a Class 2 misdemeanor. (1983, c. 495, s. 1; 1993, c. 539, s. 654; 1994, Ex. Sess., c. 24, s. 14(c); 2025-7, s. 1(a).)

§ 90B-13. Injunction.

As an additional remedy, the Board may proceed in a superior court to enjoin and restrain any person from violating the prohibitions of this Chapter. The Board shall not be required to post bond in connection with such proceeding. (1983, c. 495, s. 1; 2025-7, s. 1(a).)

§ 90B-14. Third-party reimbursements.

Nothing in this Chapter shall be construed to authorize or require direct third-party reimbursement to persons certified under this Chapter. (1991, c. 732, s. 6; 2025-7, s. 1(a).)

§ 90B-15. License or certificate to be displayed.

A person licensed or certified under this Chapter shall conspicuously display the license or certificate issued by the Board at the licensee's or certificate holder's primary place of practice. (2007-379, s. 5; 2025-7, s. 1(a).)

§ 90B-16. Title protection.

(a) Except as provided in G.S. 90B-10, an individual who (i) is not certified, licensed, or associate licensed by this Chapter as a social worker, (ii) does not hold a bachelor's or master's degree in social work from a college or university having a social work program accredited or admitted to candidacy for accreditation by the Council of Social Work Education, or (iii) has not received a doctorate in social work shall not use the title "Social Worker" or any variation of the title.

(b) The Board is authorized to enforce title protection pursuant to this section in accordance with G.S. 90B-13.

(c) The Board shall adopt rules to implement this section. (2009-88, s. 3; 2012-72, s. 4; 2025-7, s. 1(a).)

Article 2.

Social Work Licensure Compact.

§ 90B-20. Purpose.

The purpose of this Compact is to facilitate interstate practice of regulated social workers by improving public access to social work services. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This Compact is designed to achieve the following objectives:

- (1) Increase public access to social work services.

- (2) Reduce overly burdensome and duplicative requirements associated with holding multiple licenses.
- (3) Enhance the member states' ability to protect the public's health and safety.
- (4) Encourage the cooperation of member states in regulating multistate practice.
- (5) Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple states by providing for the mutual recognition of other member state licenses.
- (6) Support military families.
- (7) Facilitate the exchange of licensure and disciplinary information among member states.
- (8) Authorize all member states to hold a regulated social worker accountable for abiding by the member state's laws, regulations, and applicable professional standards in the member state in which the client is located at the time care is rendered.
- (9) Allow for the use of telehealth to facilitate increased access to social work services. (2025-7, s. 2.)

§ 90B-21. Definitions.

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- (1) Active military member. – Any individual in full-time duty status in the active Armed Forces of the United States, including members of the National Guard and Reserve.
- (2) Adverse action. – Any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a regulated social worker, including actions against an individual's license or multistate authorization to practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a regulated social worker's authorization to practice, including issuance of a cease and desist action.
- (3) Alternative program. – A nondisciplinary monitoring process or practice remediation process approved by a licensing authority to address practitioners with an impairment.
- (4) Charter member states. – Member states who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact, as defined in this Article.
- (5) Compact Commission or Commission. – The government agency whose membership consists of all states that have enacted this Compact which is known as the Social Work Licensure Compact Commission, as defined in this Article, and which shall operate as an instrumentality of the member states.
- (6) Current significant investigative information. – Investigative information that (i) a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the regulated social worker to respond has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction, as may be defined by the Commission, or (ii) indicates that the

regulated social worker represents an immediate threat to public health and safety, as may be defined by the Commission, regardless of whether the regulated social worker has been notified and has had an opportunity to respond.

- (7) Data system. – A repository of information about licensees, including, but not limited to, continuing education, examination, licensure, current significant investigative information, disqualifying events, multistate license or licenses, and adverse action information or other information as required by the Commission.
- (8) Disqualifying event. – Any adverse action or incident which results in an encumbrance that disqualifies or makes the licensee ineligible to either obtain, retain, or renew a multistate license.
- (9) Domicile. – The jurisdiction in which the licensee resides and intends to remain indefinitely.
- (10) Encumbrance. – A revocation or suspension of, or any limitation on, the full and unrestricted practice of social work licensed and regulated by a licensing authority.
- (11) Executive Committee. – A group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the Compact and Commission.
- (12) Home state. – The member state that is the licensee's primary state of domicile.
- (13) Impairment. – A condition that may impair a practitioner's ability to engage in full and unrestricted practice as a regulated social worker without some type of intervention and may include, but is not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments.
- (14) Licensee. – An individual who currently holds a license from the state to practice as a regulated social worker.
- (15) Licensing authority. – The board or agency of a member state, or equivalent, that is responsible for the licensing and regulation of regulated social workers.
- (16) Member state. – A state, commonwealth, district, or territory of the United States of America that has enacted this Compact.
- (17) Multistate authorization to practice. – A legally authorized privilege to practice, which is equivalent to a license, associated with a multistate license permitting the practice of social work in a remote state.
- (18) Multistate license. – A license to practice as a regulated social worker issued by a home state licensing authority that authorizes the regulated social worker to practice in all member states under multistate authorization to practice.
- (19) Qualifying national exam. – A national licensing examination approved by the Commission.
- (20) Regulated social worker. – Any clinical, master's, or bachelor's social worker licensed by a member state regardless of the title used by that member state.
- (21) Remote state. – A member state other than the licensee's home state.
- (22) Rule(s) or rule(s) of the Commission. – A regulation or regulations promulgated by the Commission, as authorized by the Compact, that has the force of law.

- (23) Single-state license. – A social work license issued by any state that authorizes practice only within the issuing state and does not include multistate authorization to practice in any member state.
- (24) Social work or social work services. – The application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a regulated social worker as set forth in the member state's statutes and regulations in the state where the services are being provided.
- (25) State. – Any state, commonwealth, district, or territory of the United States of America that regulates the practice of social work.
- (26) Unencumbered license. – A license that authorizes a regulated social worker to engage in the full and unrestricted practice of social work. (2025-7, s. 2.)

§ 90B-22. State participation in Compact.

(a) To be eligible to participate in the Compact, a potential member state must currently meet all of the following criteria:

- (1) License and regulate the practice of social work at either the clinical, master's, or bachelor's category.
- (2) Require applicants for licensure to graduate from a program that (i) corresponds to the licensure sought as outlined in G.S. 90B-23, (ii) is operated by a college or university recognized by the licensing authority, and (iii) is accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either of the following:
 - a. The Council for Higher Education Accreditation, or its successor.
 - b. The United States Department of Education.
- (3) Require applicants for clinical licensure to complete a period of supervised practice.
- (4) Have a mechanism in place for receiving, investigating, and adjudicating complaints about licensees.

(b) To maintain membership in the Compact, a member state shall meet all of the following:

- (1) Require [that] applicants for a multistate license pass a qualifying national exam for the corresponding category of multistate license sought as outlined in G.S. 90B-23.
- (2) Participate fully in the Commission's data system, including using the Commission's unique identifier as defined in rules.
- (3) Notify the Commission, in compliance with the terms of the Compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee.
- (4) Implement procedures for considering the criminal history records of applicants for a multistate license. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

- (5) Comply with the Rules of the Commission.
- (6) Require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable home state laws.
- (7) Authorize a licensee holding a multistate license in any member state to practice in accordance with the terms of the Compact and Rules of the Commission.
- (8) Designate a delegate to participate in the Commission meetings.

(c) A member state meeting the requirements of subsections (a) and (b) of this section of this Compact shall designate the categories of social work licensure that are eligible for issuance of a multistate license for applicants in such member state. To the extent that any member state does not meet the requirements for participation in the Compact at any particular category of social work licensure, such member state may choose, but is not obligated, to issue a multistate license to applicants that otherwise meet the requirements of G.S. 90B-23 for issuance of a multistate license in such category or categories of licensure.

(d) The home state may charge a fee for granting the multistate license. (2025-7, s. 2.)

§ 90B-23. Social worker participation in the Compact.

(a) To be eligible for a multistate license under the terms and provisions of the Compact, an applicant, regardless of category, must do all of the following:

- (1) Hold or be eligible for an active, unencumbered license in the home state.
- (2) Pay any applicable fees, including any state fee, for the multistate license.
- (3) Submit, in connection with an application for a multistate license, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.
- (4) Notify the home state of any adverse action, encumbrance, or restriction on any professional license taken by any member state or non-member state within 30 days from the date the action is taken.
- (5) Meet any continuing competence requirements established by the home state.
- (6) Abide by the laws, regulations, and applicable standards in the member state where the client is located at the time care is rendered.

(b) An applicant for a clinical-category multistate license must meet all of the following requirements:

- (1) Fulfill a competency requirement, which shall be satisfied by either of the following:
 - a. Passage of a clinical category qualifying national exam.
 - b. Licensure of the applicant in their home state at the clinical category, beginning prior to such time as a qualifying national exam was required by the home state and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the Commission.
 - c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by rule.
- (2) Attain at least a master's degree in social work from a program that is both of the following:

- a. Operated by a college or university recognized by the licensing authority.
 - b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either of the following:
 - 1. The Council for Higher Education Accreditation, or its successor.
 - 2. The United States Department of Education.
- (3) Fulfill a practice requirement, which shall be satisfied by demonstrating completion of either of the following:
- a. A period of postgraduate supervised clinical practice equal to a minimum of 3,000 hours.
 - b. A minimum of two years of full-time postgraduate supervised clinical practice.
 - c. The substantial equivalency of the foregoing practice requirements which the Commission may determine by rule.
- (c) An applicant for a master's category multistate license must meet all of the following requirements:
- (1) Fulfill a competency requirement, which shall be satisfied by any of the following:
- a. Passage of a master's category qualifying national exam.
 - b. Licensure of the applicant in their home state at the master's category, beginning prior to such time as a qualifying national exam was required by the home state at the master's category and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the Commission.
 - c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by rule.
- (2) Attain at least a master's degree in social work from a program that is both of the following:
- a. Operated by a college or university recognized by the licensing authority.
 - b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either of the following:
 - 1. The Council for Higher Education Accreditation, or its successor.
 - 2. The United States Department of Education.
- (d) An applicant for a bachelor's category multistate license must meet all of the following requirements:
- (1) Fulfill a competency requirement, which shall be satisfied by any of the following:
- a. Passage of a bachelor's category qualifying national exam.
 - b. Licensure of the applicant in their home state at the bachelor's category, beginning prior to such time as a qualifying national exam was required by the home state and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the Commission.

- c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by rule.
- (2) Attain at least a bachelor's degree in social work from a program that is both of the following:
 - a. Operated by a college or university recognized by the licensing authority.
 - b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either of the following:
 - 1. The Council for Higher Education Accreditation, or its successor.
 - 2. The United States Department of Education.

(e) The multistate license for a regulated social worker is subject to the renewal requirements of the home state. The regulated social worker must maintain compliance with the requirements of subsection (a) of this section to be eligible to renew a multistate license.

(f) The regulated social worker's services in a remote state are subject to that member state's regulatory authority. A remote state may, in accordance with due process and that member state's laws, remove a regulated social worker's multistate authorization to practice in the remote state for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens.

(g) If a multistate license is encumbered, the regulated social worker's multistate authorization to practice shall be deactivated in all remote states until the multistate license is no longer encumbered.

(h) If a multistate authorization to practice is encumbered in a remote state, the regulated social worker's multistate authorization to practice may be deactivated in that state until the multistate authorization to practice is no longer encumbered. (2025-7, s. 2.)

§ 90B-24. Issuance of a multistate license.

(a) Upon receipt of an application for multistate license, the home state licensing authority shall determine the applicant's eligibility for a multistate license in accordance with this Compact.

(b) If such applicant is eligible pursuant to G.S. 90B-23 of this Compact, the home state licensing authority shall issue a multistate license that authorizes the applicant or regulated social worker to practice in all member states under a multistate authorization to practice.

(c) Upon issuance of a multistate license, the home state licensing authority shall designate whether the regulated social worker holds a multistate license in the bachelor's, master's, or clinical category of social work.

(d) A multistate license issued by a home state to a resident in that state shall be recognized by all Compact member states as authorizing social work practice under a multistate authorization to practice corresponding to each category of licensure regulated in each member state. (2025-7, s. 2.)

§ 90B-25. Authority of Interstate Compact Commission and member state licensing authorities.

(a) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a member state to enact and enforce laws, regulations, or other rules related to the practice of social work in that state, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

(b) Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single state license.

(c) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a member state to take adverse action against a licensee's single state license to practice social work in that state.

(d) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a remote state to take adverse action against a licensee's multistate authorization to practice in that state.

(e) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a licensee's home state to take adverse action against a licensee's multistate license based upon information provided by a remote state. (2025-7, s. 2.)

§ 90B-26. Reissuance of a multistate license by a new home state.

(a) A licensee may hold a multistate license, issued by their home state, in only one member state at any given time.

(b) If a licensee changes their home state by moving between two member states:

(1) The licensee shall immediately apply for the reissuance of their multistate license in their new home state. The licensee shall pay all applicable fees and notify the prior home state in accordance with the rules of the Commission.

(2) Upon receipt of an application to reissue a multistate license, the new home state shall verify that the multistate license is active, unencumbered, and eligible for reissuance under the terms of the Compact and the rules of the Commission. The multistate license issued by the prior home state will be deactivated and all member states notified in accordance with the applicable rules adopted by the Commission.

(3) Prior to the reissuance of the multistate license, the new home state shall conduct procedures for considering the criminal history records of the licensee. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

(4) If required for initial licensure, the new home state may require completion of jurisprudence requirements in the new home state.

(5) Notwithstanding any other provision of this Compact, if a licensee does not meet the requirements set forth in this Compact for the reissuance of a multistate license by the new home state, then the licensee shall be subject to the new home state requirements for the issuance of a single state license in that state.

(c) If a licensee changes their primary state of residence by moving from a member state to a non-member state, or from a non-member state to a member state, then the licensee shall be subject to the state requirements for the issuance of a single state license in the new home state.

(d) Nothing in this Compact shall interfere with a licensee's ability to hold a single state license in multiple states; however, for the purposes of this Compact, a licensee shall have only one home state, and only one multistate license.

(e) Nothing in this Compact shall interfere with the requirements established by a member state for the issuance of a single state license. (2025-7, s. 2.)

§ 90B-27. Military families.

An active military member or their spouses [spouse] shall designate a home state where the individual has a multistate license. The individual may retain their home state designation during the period the service member is on active duty. (2025-7, s. 2.)

§ 90B-28. Adverse action.

(a) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do the following:

(1) Take adverse action against a regulated social worker's multistate authorization to practice only within that member state, and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(2) Only the home state shall have the power to take adverse action against a regulated social worker's multistate license.

(b) For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(c) The home state shall complete any pending investigations of a regulated social worker who changes their home state during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

(d) A member state, if otherwise permitted by state law, may recover from the affected regulated social worker the costs of investigations and dispositions of cases resulting from any adverse action taken against that regulated social worker.

(e) A member state may take adverse action based on the factual findings of another member state, provided that the member state follows its own procedures for taking the adverse action.

(f) Joint investigations:

(1) In addition to the authority granted to a member state by its respective social work practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

(g) If adverse action is taken by the home state against the multistate license of a regulated social worker, the regulated social worker's multistate authorization to practice in all other member states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against the license of a regulated social worker shall include a statement that the regulated social worker's multistate authorization to practice is deactivated in all member states until all conditions of the decision, order, or agreement are satisfied.

(h) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state and all other member states of any adverse actions by remote states.

(i) Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action. Nothing in this Compact shall authorize a member state to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another member state for lawful actions within that member state.

(j) Nothing in this Compact shall authorize a member state to impose discipline against a regulated social worker who holds a multistate authorization to practice for lawful actions within another member state. (2025-7, s. 2.)

§ 90B-29. Establishment of Social Work Licensure Compact Commission.

(a) Establishment. – The Compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the Compact known as the Social Work Licensure Compact Commission. The Commission is an instrumentality of the Compact states acting jointly and not an instrumentality of any one state. The Commission shall come into existence on or after the effective date of the Compact as set forth in this Article.

(b) Membership; Voting; Meetings. – Each member state shall have and be limited to one delegate selected by that member state's licensing authority. The delegate shall be either (i) a current member of the state licensing authority, who is a regulated social worker or public member of the state licensing authority, or (ii) an administrator of the state licensing authority or their designee. The Commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits. The Commission may recommend removal or suspension of any delegate from office. The member state licensing authority shall fill any vacancy occurring in the Commission within 60 days of the vacancy. Each delegate shall be entitled to one vote on all matters before the Commission requiring a vote by Commission delegates.

A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, video conference, or other means of communication. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference, or other similar electronic means.

(c) Powers; Duties. – The Commission shall have the following powers and duties:

- (1) Establish a code of conduct and conflict of interest policies.
- (2) Establish the fiscal year of the Commission.
- (3) Establish and amend rules and bylaws.
- (4) Maintain its financial records in accordance with the bylaws.

- (5) Meet and take such actions as are consistent with the provisions of this Compact, the Commission's rules, and the bylaws.
 - (6) Maintain and certify records and information provided to a member state as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf.
 - (7) Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any state licensing authority to sue or be sued under applicable law shall not be affected.
 - (8) Purchase and maintain insurance and bonds.
 - (9) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state.
 - (10) Conduct an annual financial review.
 - (11) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.
 - (12) Assess and collect fees.
 - (13) Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials and services, and receive, utilize, and dispose of the same, provided that at all times the Commission shall avoid any appearance of impropriety and conflict of interest.
 - (14) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal, or mixed, or any undivided interest therein.
 - (15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.
 - (16) Establish a budget and make expenditures.
 - (17) Borrow money.
 - (18) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws.
 - (19) Provide and receive information from, and cooperate with, law enforcement agencies.
 - (20) Establish and elect an Executive Committee, including a chair and vice-chair.
 - (21) Determine whether a state's adopted language is materially different from the model Compact language such that the State would not qualify for participation in the Compact.
 - (22) Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.
- (d) Executive Committee. – The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.
- (1) The Executive Committee shall be composed of 11 members, as follows:
 - a. The chair and vice-chair of the Commission shall be voting members of the Executive Committee.

- b. Five voting members who are elected by the Commission from the current membership of the Commission.
 - c. Up to four ex officio, nonvoting members from four recognized national social work organizations, selected by their respective organizations.
- (3) The Commission may remove any member of the Executive Committee as provided in the bylaws.
 - (4) The Executive Committee shall meet at least annually.
 - (5) Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, nonpublic meeting as provided by this Article. The Executive Committee shall give seven days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the Commission. The Executive Committee may hold a special meeting in accordance with this Article.
 - (6) The Executive Committee shall have the power to act on behalf of the Commission according to the terms of the Compact. The Executive Committee shall have the following powers, duties, and responsibilities:
 - a. Oversee the day-to-day activities of the administration of the Compact, including enforcement and compliance with the provisions of the Compact, its rules and bylaws, and other such duties as deemed necessary.
 - b. Recommend to the Commission changes to the rules or bylaws, changes to this Compact legislation, fees charged to Compact member states, fees charged to licensees, and other fees.
 - c. Ensure Compact administration services are appropriately provided, including by contract.
 - d. Prepare and recommend the budget.
 - e. Maintain financial records on behalf of the Commission.
 - f. Monitor Compact compliance of member states and provide compliance reports to the Commission.
 - g. Establish additional committees as necessary.
 - h. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by rule or bylaw.
 - i. Perform other duties as provided in rules or bylaws of the Commission.

(e) Meetings of the Commission. – All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in G.S. 90B-31. The Commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the Commission's website, and other means as provided in the Commission's rules. The Commission's legal counsel shall certify that the Commission's need to meet qualifies as an emergency. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, nonpublic meeting if the Commission or Executive Committee or other committees of the Commission must receive legal advice or discuss any of the following:

- (1) Noncompliance of a member state with its obligations under the Compact.

- (2) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures.
- (3) Current, threatened, or reasonably anticipated litigation.
- (4) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.
- (5) Accusation of any person of a crime or formally censuring any person.
- (6) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.
- (7) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.
- (8) Disclosure of investigative records compiled for law enforcement purposes.
- (9) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact.
- (10) Matters specifically exempted from disclosure by federal or member state statute.
- (11) Current or threatened discipline of a licensee by the Commission or by a member state's licensing authority.
- (12) Other matters as promulgated by the Commission by rule.

If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's presiding officer shall state that the meeting will be closed and shall reference each relevant exempting provision, and such reference shall be recorded in the minutes. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

(f) **Financing of the Commission.** – The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

The Commission may levy on and collect an annual assessment from each member state and impose fees on other licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the Commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall be promulgated by rule. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures

established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

(g) **Qualified Immunity; Defense; Indemnification.** – The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, both personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

The Commission shall defend any member, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the member states or by the Commission. (2025-7, s. 2.)

§ 90B-30. Data system.

(a) The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and the presence of current significant investigative information on all licensed individuals in member states.

(b) The Commission shall assign each applicant for a multistate license a unique identifier, as determined by the rules of the Commission.

(c) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable, as required by the rules of the Commission, including all of the following:

- (1) Identifying information.
- (2) Licensure data.
- (3) Adverse actions against a license and information related thereto.
- (4) Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law.
- (5) Any denial of application for licensure and the reasons for such denial.
- (6) Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.
- (7) Current significant investigative information.

(d) The records and information provided to a member state pursuant to this Compact or through the data system, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a member state.

(e) Current significant investigative information pertaining to a licensee in any member state will only be available to other member states. It is the responsibility of the member states to report any adverse action against a licensee and to monitor the database to determine whether adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

(f) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(g) Any information submitted to the data system that is subsequently required to be expunged by federal law or the laws of the member state contributing the information shall be removed from the data system. (2025-7, s. 2.)

§ 90B-31. Rulemaking.

(a) The Commission shall promulgate reasonable rules in order to achieve the purposes of the Compact effectively and efficiently. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

(b) The rules of the Commission shall have the force of law in each member state, provided, however, that where the rules of the Commission conflict with the laws of the member state that establish the member state's laws, regulations, and applicable standards that govern the practice of social work as held by a court of competent jurisdiction, the rules of the Commission shall be ineffective in that state to the extent of the conflict.

(c) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding on the day following adoption or the date specified in the rule or amendment, whichever is later.

(d) If a majority of the legislatures of the member states rejects a rule or a portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(e) Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

(f) Prior to adoption of a proposed rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

(g) Prior to promulgation and adoption of rule by the Commission, and at least 30 days in advance of the meeting at which the Commission will hold a public hearing on the proposed rule, the Commission shall provide a notice of proposed rulemaking (i) on the website of the Commission or other publicly accessible platform, (ii) to persons who have requested notice of the Commission's notices of proposed rulemaking, and (iii) in such other ways as the Commission may, by rule, specify.

(h) The notice of proposed rulemaking shall include all of the following:

(1) The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed rule and, if different, the proposed time, date, and location of the meeting in which the rule will be considered and voted upon.

(2) If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking.

(3) The text of the proposed rule or amendment and the reason for the proposed rule.

(4) A request for comments on the proposed rule from any interested person.

(5) The manner in which interested persons may submit written comments.

(i) All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed rule shall be available to the public.

(j) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

(k) The Commission shall, by majority vote of all members, take final action on the proposed rule based on the rulemaking record and the full text of the rule.

(1) The Commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

(2) The Commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(3) The Commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in this section, the effective date of the rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the rule.

(l) Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule with 48 hours' notice, with opportunity for comment, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to (i) meet an imminent threat to public health, safety, or welfare, (ii) prevent a loss of Commission or member state funds, (iii) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule, or (iv) protect public health and safety.

(m) The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

(n) No member state's rulemaking requirements shall apply under this Compact. (2025-7, s. 2.)

§ 90B-32. Oversight; dispute resolution; enforcement.

(a) The executive and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

(b) Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

(c) The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

(d) If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall do all of the following:

- (1) Provide written notice to the defaulting state and other member states of the nature of default, the proposed means of curing the default, and any other action to be taken by the Commission.
- (2) Provide remedial training and specific technical assistance regarding the default.

(e) If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of delegates of the member states, and all rights, privileges, and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(f) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's state licensing authority and each of the member states' state licensing authority. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(g) Upon the termination of a state's membership from this Compact, that state shall immediately provide notice to all licensees within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this Compact for a minimum of six months after the date of said notice of termination.

(h) The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

(i) The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(j) Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and nonmember states. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(k) By majority vote, the Commission may initiate legal action in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting member state's law.

(l) A member state may initiate legal action in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices against the Commission to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(m) No person other than a member state shall enforce this Compact against the Commission. (2025-7, s. 2.)

§ 90B-33. Effective date; withdrawal; amendment.

(a) The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh member state. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the first seven member states (charter member states) to determine if the statute enacted by each such charter member state is materially different than the model Compact statute.

(b) A charter member state whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in this Article. If any member state is found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of member states should be less than seven.

(c) Member states enacting the Compact subsequent to the seven initial charter member states shall be subject to the process set forth in this Article to determine if their enactments are

materially different from the model Compact statute and whether they qualify for participation in the Compact.

(d) All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

(e) Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

(f) Any member state may withdraw from this Compact by enacting a statute repealing the same. A member state's withdrawal shall not take effect until six months after enactment of the repealing statute. Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal. Upon the enactment of a statute withdrawing from this Compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this Compact for a minimum of six months after the date of such notice of withdrawal.

(g) Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this Compact.

(h) This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states. (2025-7, s. 2.)

§ 90B-34. Construction and severability.

This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes. The provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the Compact, or the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

Notwithstanding this section, the Commission may deny a state's participation in the Compact or, in accordance with the requirements of this Article, terminate a member state's participation in the Compact, if it determines that a constitutional requirement of a member state is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any member state, the Compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters. (2025-7, s. 2.)

§ 90B-35. Consistent effect and conflict with other state laws.

A licensee providing services in a remote state under a multistate authorization to practice shall adhere to the laws and regulations, including laws, regulations, and applicable standards, of the remote state where the client is located at the time care is rendered. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the Compact are superseded to the extent of the conflict. All permissible agreements between the Commission and the member states are binding in accordance with their terms. (2025-7, s. 2.)