

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 732  
SENATE BILL 694

AN ACT TO PROVIDE FOR MANDATORY CERTIFICATION OF CLINICAL  
SOCIAL WORKERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90B-3 reads as rewritten:

**"§ 90B-3. Definitions.**

The following definitions apply in this Chapter:

- (1) Board. – ~~The (a) 'Board' means the~~ North Carolina Certification Board for Social Work.
- (2) Certified 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.
- (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 psychosocial diagnosis, treatment, or prevention, of emotional and mental disorders. Practice includes 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).
- (7) Public practice of social work. – To perform or offer to perform services 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.

(8) Social Worker. – ~~A (b) 'Social worker' is a person engaging in the public practice of social work who is not certified under this Chapter as a Certified Social Worker, Certified Master Social Worker, Certified Clinical Social Worker-Worker, or Certified Social Work Manager, as defined in this Chapter. Manager.~~

~~(e) A person is engaged in the 'public practice of social work' who holds himself or herself out to the public as a social worker and who offers to perform or does perform for other persons, services which 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.~~

~~(d) 'Certified Social Worker,' 'Certified Master Social Worker,' 'Certified Social Work Manager' means a person who is engaged in the practice of social work and who is certified under subparagraphs (b), (c), (d) and (e), respectively, of G.S. 90B-7."~~

Sec. 2. G.S. 90B-4 reads as rewritten:

**"§ 90B-4. Prohibitions.**

(a) After January 1, 1984, except ~~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, 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.

(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 certified under this Chapter as a clinical social worker.

(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 certified clinical social workers, ~~Nothing-nothing~~ herein shall be construed as prohibiting social workers who are not certified by the ~~North Carolina Certification Board for Social Work~~ from practicing social work. Notwithstanding any other provision of law, Except as provided herein for certified 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."

Sec. 3. G.S. 90B-5 reads as rewritten:

**"§ 90B-5. North Carolina Certification Board for Social Work; appointments; terms; composition.**

(a) For the purpose of carrying out the provisions of this Chapter, there is hereby created the North Carolina Certification Board for Social Work which shall consist of

seven members appointed by the Governor ~~in the manner hereinafter prescribed. The Governor may remove any member of the Board for neglect of duty or malfeasance or conviction of a felony or other crime of moral turpitude, but for no other reason. as follows:~~

- (1) ~~At least two members of the Board shall be Certified Social Workers except that initial appointees shall be persons who meet the educational and experience requirements for certification as Certified Social Workers under the provisions of this Chapter; Workers or Certified Master Social Workers, two three members shall be Certified Clinical Social Workers except that initial appointees shall be persons who meet the educational and experience requirements for certification as Certified Clinical Social Workers under the provisions of this Chapter; Workers, and three 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 ~~after the establishment of the initial Board, all members,~~ with the exception of the public members, shall be certified 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.

- ~~(4) The term of office of each member of the Board shall be three years; provided, however, that of the members first appointed, three shall be appointed for terms of one year, two for terms of two years, and two for terms of three years. No member shall serve more than two consecutive three-year terms.~~

(c)(5) 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)(6) 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)(7) 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."

Sec. 4. G.S. 90B-7 reads as rewritten:

**"§ 90B-7. Titles and qualifications for certificates.**

(a) Each person desiring to obtain a certificate 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:

- (1) Has a bachelor's degree in a social work program from a college or university having a social work program accredited or admitted to candidacy for accreditation by the Council on Social Work Education for undergraduate curricula or has a bachelor's degree in a subject area related to human services and has completed a minimum of 18 semester hours of social work training in a social work program accredited or admitted to candidacy for accreditation by the Council on Social Work Education; and
- (2) Has passed the Board examination for the certification of persons in this classification.

(c) The Board shall issue a certificate as 'Certified Master Social Worker' to an applicant who:

- (1) Has a master's or doctor's degree in a social work program from a college or university having a social work program approved by the Council on Social Work Education; and
- (2) Has passed the Board examination for the certification of persons in this classification.

(d) The Board shall issue a certificate as a 'Certified Clinical Social Worker' to an applicant who:

- (1) Holds or qualifies for a current certificate as a Certified Master Social Worker; and
- (2) Shows to the satisfaction of the Board that he or she has had two years of clinical social work experience ~~in a clinical setting~~ with appropriate supervision in the field of specialization in which the applicant will practice; and
- (3) Has passed the Board examination for the certification of persons in this classification.

(e) The Board shall issue a certificate as a 'Certified Social Work Manager' to an applicant who:

- (1) Holds or qualifies for a current certificate as a Certified Social Worker; and

- (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; and
- (3) Has passed the Board examination for the certification of persons in this classification.

(f) The Board may issue a provisional certificate in clinical social work to a person who has a master's or doctor's degree in a social work program from a college or university having a social work program approved by the Council on Social Work Education and desires to be certified as a clinical social worker. The provisional certificate may not be issued for a period exceeding two years and the person issued the provisional certificate must practice under the supervision of a certified clinical social worker or a Board-approved alternate."

Sec. 5. G.S. 90B-10 reads as rewritten:

**"§ 90B-10. Exemption from ~~academic qualifications.~~ 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) A person who has engaged in clinical social work practice for one year prior to the effective date of this act and who properly applies for and pays the required fees for a certificate as a certified clinical social worker prior to January 1, 1993.
- (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) An employee engaged in clinical social work practice exclusively for one of the following employers:
  - a. The State, a political subdivision of the State, or a local government.
  - b. A hospital or health care facility licensed pursuant to Article 2 of Chapter 122C of the General Statutes or Articles 5 and 6 of Chapter 131E of the General Statutes."

Sec. 6. Chapter 90B of the General Statutes is amended by adding a new section to read:

**"§ 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."

Sec. 7. Any proposed substantive changes to G.S. 90B-3, 90B-4, 90B-5, 90B-7, or 90B-10 shall be reviewed by the Legislative Committee on New Licensing Boards pursuant to G.S. 120-149.3(e).

Sec. 8. This act becomes effective January 1, 1992. G.S. 90B-10(b)(3)a. is repealed effective January 1, 1997. The term of the additional Board position for clinical social worker created by this act shall commence upon the expiration of the term of the public member whose term expires first.

In the General Assembly read three times and ratified this the 16th day of July, 1991.

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James C. Gardner  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives