

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1062

Short Title: Substance Abuse Certification.

(Public)

Sponsors: Senator Metcalf.

Referred to: Children & Human Resources.

April 15, 1999

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"§ 90-113.31. Definitions.

The following definitions shall apply in this Article:

(1) Board. – The North Carolina Substance Abuse Professional Certification Board.

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

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

(1c) Certified residential facility director. – A person certified by the Board to practice as a residential facility director in accordance with the provisions of this Article.

- 1 (2) Certified substance abuse counselor. – A person certified by the Board
2 to practice as a substance abuse counselor in accordance with the
3 provisions of this Article.
- 4 (3) Repealed by S.L. 1997-492, s. 2.
- 5 (3a) Certified substance abuse prevention consultant. – A person certified by
6 the Board to practice substance abuse prevention in accordance with the
7 provisions of this Article.
- 8 (4) Clinical supervisor intern. – A person designated by the Board to
9 practice as a clinical supervisor intern for a period not to exceed three
10 years without a showing of good cause in accordance with the
11 provisions of this Article.
- 12 (4a) Credentialing body. – A board that licenses, certifies, or regulates a
13 profession or practice.
- 14 (4b) Deemed status. – Recognition by the Board of the credentials offered by
15 a professional discipline whereby the individuals certified, licensed, or
16 otherwise recognized by the discipline as having met the standards of a
17 substance abuse specialist may apply individually for certification as a
18 certified clinical addictions specialist.
- 19 (4c) Human services field. – An area of study that focuses on the biological,
20 psychological, and social aspects of human beings.
- 21 ~~(4d) Intern. — A person who successfully completes 300 hours of Board~~
22 ~~approved supervised practical training and a written examination in~~
23 ~~pursuit of certification as a substance abuse counselor.~~
- 24 (5) Prevention. – The reduction, delay, or avoidance of alcohol and of other
25 drug use behavior. "Prevention" includes the promotion of positive
26 environments and individual strengths that contribute to personal health
27 and well-being over an entire life and the development of strategies that
28 encourage individuals, families, and communities to take part in
29 assessing and changing their lifestyle and environments.
- 30 (6) Professional discipline. – A field of study characterized by the technical,
31 educational, and ethical standards of a profession.
- 32 (7) Substance abuse counseling. – The assessment, evaluation, and
33 provision of counseling to persons suffering from substance, drug, or
34 alcohol abuse or dependency.
- 35 (7a) Substance abuse counselor inter. – A person who successfully
36 completes 300 hours of Board approved supervised practical training
37 and a written examination in pursuit of certification as a substance abuse
38 counselor.
- 39 (8) Substance abuse professional. – A certified substance abuse counselor,
40 certified substance abuse prevention consultant, certified clinical
41 supervisor, certified clinical addictions specialist, or certified residential
42 facility director."

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

1 "(b) Until the full Board is elected or appointed pursuant to subsection (c) of this
2 section, the Board shall consist of 16 members with one member appointed by the
3 General Assembly upon the recommendation of the Speaker of the House of
4 Representatives in accordance with G.S. 120-121, and one member appointed by the
5 General Assembly upon the recommendation of the President Pro Tempore of the Senate
6 in accordance with G.S. 120-121. The remaining 14 shall be those members of the
7 current North Carolina Substance Abuse Professional Certification Board, Inc., who have
8 terms that are unexpired as of the effective date of this Article. The initial Board shall
9 appoint an initial Nominating and Elections Committee to fill immediate vacancies on the
10 Board, using the process established in subsection (d) of this section. The election and
11 appointment process of the initial Board shall result in a Board of 19 members by April 1,
12 1995. As these initial ~~members~~"members" terms expire, their successors shall be appointed
13 as described in subsection (c) of this section, until the permanent Board is established, as
14 described in subsection (c) of this section. Time spent as an initial member counts in
15 determining the limitation on consecutive terms prescribed in subsection (e) of this
16 section."

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

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

- 21 (1) Eleven professionals certified pursuant to this Article and elected by the
22 certified professionals, at least two of whom shall serve each of the four
23 Division of Mental Health, Developmental Disabilities, and Substance
24 Abuse Services regions of the State. Three members shall serve as
25 members at large.
- 26 (2) Three members at large chosen from laypersons or other professional
27 disciplines who have shown a special interest in the field of substance
28 abuse, nominated by the ~~Nominations~~—Nominating and Elections
29 Committee established by subsection (d) of this section and elected by
30 the Board.
- 31 (3) Two members from the Division of Mental Health, Developmental
32 Disabilities, and Substance Abuse Services, Department of Health and
33 Human Services, appointed by the Chief of Substance Abuse Services
34 Section, Division of Mental Health, Developmental Disabilities, and
35 Substance Abuse Services, Department of Health and Human Services,
36 at least one of whom is from the Substance Abuse Services Section.
- 37 (4) One member of the public at large appointed by the Governor.
- 38 (5) One member of the public at large appointed by the General Assembly
39 upon the recommendation of the Speaker of the House of
40 Representatives in accordance with G.S. 120-121 and one member of
41 the public at large appointed by the General Assembly upon the
42 recommendation of the President Pro Tempore of the Senate in
43 accordance with G.S. 120-121.

- 1 (6) One member shall represent each of the professional disciplines granted
2 deemed status under G.S. 90-113.41A. The member may be appointed
3 by the professional discipline on or before a date set by the Board. If the
4 professional discipline has at least one association in the State, the
5 member shall be chosen from a list of nominees submitted to the
6 association. The members appointed or elected under this subdivision
7 shall be certified as substance abuse specialists by the professional
8 discipline that the members represent.

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

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

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

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

19 "**§ 90-113.33. Board; powers and duties.**

20 The Board shall:

- 21 (1) Examine and determine the qualifications and fitness of applicants for
22 certification to practice in this State.
- 23 (1a) Determine the qualifications and fitness of organizations applying for
24 deemed status.
- 25 (2) Issue, renew, deny, suspend, or revoke certification to practice in this
26 State or reprimand or otherwise discipline certificate holders in this
27 State. Denial of an applicant's certification or the granting of
28 certification on a probationary or other conditional status shall be
29 subject to substantially the same rules and procedures prescribed by the
30 Board for review and disciplinary actions against those persons holding
31 certificates. Disciplinary actions involving a clinical addictions
32 specialist whose certification is achieved through deemed status shall be
33 initially heard by the specialist's credentialing body. The specialist may
34 appeal the body's decision to the Board. The Board shall, however, have
35 the authority to hear the initial disciplinary action involving a clinical
36 addictions specialist.
- 37 (3) Deal with issues concerning reciprocity.
- 38 (4) Conduct investigations for the purpose of determining whether
39 violations of this Article or grounds for disciplining exists.
- 40 (5) Employ the professional and clerical personnel necessary to carry out
41 the provisions of this Article. The Board may purchase or rent necessary
42 office space, equipment, and supplies.

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

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

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

19 "**§ 90-113.33A. Officers may administer oaths, and subpoena witnesses, records,**
20 **and other materials.**

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

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

40 "**§ 90-113.34. Records to be kept; copies of records.**

41 ~~The Board shall obtain documentation of all proceedings under this Article and a~~
42 ~~record of all persons certified under it. The record (a)~~ The Board shall keep a regular
43 record of its proceedings, together with the names of the members of the Board present,

1 the names of the applicants for certification, and other information relevant to its actions.
2 The Board shall cause a record to be kept that shall show the name, last known place of
3 business, last known place of residence, and date and number of the certificate of
4 certification as a certified substance abuse counselor, certified substance abuse
5 prevention consultant, certified clinical supervisor, certified clinical addictions specialist,
6 or certified residential facility director for every living certified person. Any interested
7 person in the State is entitled to obtain a copy of that record on application to the Board
8 and upon payment of a reasonable charge that is based on the costs involved in providing
9 the copy. ~~The Board shall keep a hard copy of all records.~~

10 (b) The Board may in a closed session receive evidence regarding the provision of
11 substance abuse counseling or other treatment and services provided to a client who has
12 not expressly or through implication consented to the public disclosure of such treatment
13 as may be necessary for the protection of the rights of the client or of the accused
14 substance abuse professional and the full presentation of relevant evidence. All records,
15 papers, and other documents containing information collected and compiled by the
16 Board, its members, or employees as a result of investigations, inquiries, or interviews
17 conducted in connection with a certification or disciplinary matter shall not be considered
18 public records within the meaning of Chapter 132 of the General Statutes, except any
19 notice or statement of charges, or notice of hearing shall be a public record
20 notwithstanding that it may contain information collected and compiled as a result of an
21 investigation, inquiry, or interview. If any record, paper, or other document containing
22 information collected and compiled by the Board as provided in this subsection is
23 received and admitted in evidence in any hearing before the Board, it shall thereupon be a
24 public record.

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

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

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

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

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

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

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

6 **"§ 90-113.39. Standards for certification.**

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

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

15 **"§ 90-113.40. Requirements for certification.**

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

- 18 (1) The applicant is of good moral character.
- 19 (2) The applicant is not and has not engaged in any practice or conduct that
20 would be grounds for disciplinary action under G.S. 90-113.44.
- 21 (3) The applicant is qualified for certification pursuant to the requirements
22 of this Article and any rules adopted pursuant to it.
- 23 (4) The applicant has, at a minimum, a high school diploma or a high
24 school equivalency certificate.
- 25 (5) The applicant has signed a form attesting to the intention to adhere fully
26 to the ethical standards adopted by the Board.
- 27 (6) The applicant has completed 270 hours of Board-approved education.
28 The Board may prescribe that a certain number of hours be in a course
29 of study for substance abuse counseling and that a certain number of
30 hours be in a course of study for substance abuse prevention consulting.
- 31 (7) The applicant has documented completion of a minimum of 300 hours
32 of Supervised Practical Training and has provided a Board-approved
33 supervision contract between the applicant and an approved supervisor.
- 34 (8) The applicant for substance abuse counselor has completed either a total
35 of 6,000 hours of supervised experience in the field, whether paid or
36 volunteer, or, if a graduate of a Board-approved master's degree
37 program, a total of 3,000 hours of supervised experience in the field,
38 whether paid or volunteer. The applicant for substance abuse
39 prevention consultant has completed a total of 10,000 hours supervised
40 experience in the field, whether paid or volunteer, or 4,000 hours if the
41 applicant has at least a bachelors degree in a human services ~~field~~-field
42 from a regionally accredited college or university.

- 1 (9) The applicant has successfully completed a written examination and an
2 oral examination promulgated and administered by the Board.
- 3 (b) The Board shall issue a certificate certifying an individual as a 'Certified
4 Clinical Supervisor' if, in addition to meeting the requirements of subdivisions (a)(1)
5 through (5) of this section, the applicant:
- 6 (1) ~~Has been certified as a substance abuse counselor or a clinical~~
7 ~~addictions specialist.~~
8 Submits proof of designation by the Board as a clinical supervisor
9 intern.
- 10 (2) Prior to June 30, 1998, the applicant presents proof that the applicant
11 has 12,000 hours experience in alcohol and drug abuse counseling and a
12 bachelors degree or 8,000 hours experience in alcohol and drug abuse
13 counseling and a minimum of a master's degree. After June 30, 1998,
14 the applicant shall present proof that the applicant has a minimum of a
15 master's ~~degree.~~ degree in a human services field with a clinical
16 application from a regionally accredited college or university.
- 17 (3) Has 6,000 hours experience as a substance abuse clinical supervisor if
18 the applicant has a bachelors degree or 4,000 hours experience if the
19 applicant has a master's ~~degree.~~ degree in a human services field with a
20 clinical application from a regionally accredited college or university.
- 21 (4) Has 30 hours of substance abuse clinical supervision specific education
22 or training. These hours shall be reflective of the 12 core functions in
23 the applicant's clinical application and practice and may also be counted
24 toward the applicant's recertification as a substance abuse counselor.
- 25 (5) Submits a letter of reference from a professional who can attest to the
26 applicant's supervisory competence and two letters of reference from
27 either counselors who have been supervised by the applicant or
28 professionals who can attest to the applicant's competence.
- 29 (6) Successfully completes a written examination administered by the
30 Board.
- 31 **(b1) The Board shall designate an applicant as a 'Clinical Supervisor Intern' if, in**
32 **addition to meeting the requirements of subdivisions (a)(1) through (5) of this section, the**
33 **applicant meets the following qualifications:**
- 34 (1) Submits an application, resume, and official transcript showing that the
35 applicant has obtained a master's degree in a human services field with a
36 clinical application from a regionally accredited college or university.
- 37 (2) Submits verification statements.
- 38 (3) Submits proof of certification as a certified substance abuse counselor
39 or a certified clinical addictions specialist.
- 40 (4) Submits documentation establishing that the applicant has completed at
41 least fifty percent (50%) of the required clinical supervision specific
42 training hours as defined by the Board.

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

4 (1) Criteria A. – The applicant:

- 5 a. Has a minimum ~~of~~ a master's degree with a clinical application
6 in a human services ~~field.~~ field from a regionally accredited
7 college or university.
- 8 b. Has two years postgraduate supervised substance abuse
9 counseling experience.
- 10 c. Submits three letters of reference from certified clinical
11 addictions specialists or certified substance abuse ~~professionals.~~
12 counselors who have obtained master's degrees.
- 13 d. Has achieved a combined score set by the Board on a master's
14 level written and oral examination administered by the Board.
- 15 e. Has attained 180 hours of substance abuse specific training as
16 described in G.S. 90-113.41A.
- 17 f. The applicant has documented completion of a minimum of 300
18 hours of supervised practical training and has provided a Board-
19 approved supervision contract between the applicant and an
20 approved supervisor.

21 (2) Criteria B. – The applicant:

- 22 a. Has a minimum of a master's degree with a clinical application in
23 a human services ~~field.~~ field from a regionally accredited college
24 or university.
- 25 b. Has been certified as a substance abuse counselor.
- 26 c. Has one year of postgraduate supervised substance abuse
27 counseling experience.
- 28 d. Has achieved a passing score on a master's level written
29 examination administered by the Board.
- 30 e. Submits three letters of reference from certified clinical
31 addictions specialists or certified substance abuse ~~professionals.~~
32 counselors who have obtained master's degrees.

33 (3) Criteria C. – The applicant:

- 34 a. Has a minimum of a master's degree in a human services field
35 with a clinical application and a substance abuse specialty from a
36 regionally accredited college or university that includes 180
37 hours of substance abuse specific education and training pursuant
38 to G.S. ~~113.41A.~~ 90-113.41A.
- 39 b. Has one year of postgraduate supervised substance abuse
40 counseling experience.
- 41 c. Has achieved a passing score on an oral examination
42 administered by the Board.

1 d. Submits three letters of reference from certified clinical
2 addictions specialists or certified substance abuse ~~professionals-~~
3 counselors who have obtained master's degrees.

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

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

10 (1) Has been certified as a substance abuse ~~counselor-~~counselor or a clinical
11 addictions specialist.

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

14 (3) Submits letters of reference from the applicant's current supervisor and a
15 colleague or coworker.

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

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

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

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

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

34 "**§ 90-113.41. Examination.**

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

41 (b) Each applicant for certification under this Article shall be examined in an
42 examination that is consistent with the examination requirements of the ~~International~~
43 ~~Certification Reciprocity Consortium/Alcohol and Other Drug Abuse International~~

1 Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Incorporated
2 and the standards adopted by professional disciplines granted deemed ~~status~~ status or
3 their successor organizations.

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

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

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