

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 712  
Finance Committee Substitute Adopted 6/2/97

Short Title: Substance Abuse Specialists.

(Public)

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Sponsors:

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Referred to:

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April 7, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO CERTIFY CLINICAL ADDICTIONS SPECIALISTS, PROVIDE  
3 SPECIFIC AUTHORITY FOR CERTIFICATION OF CLINICAL SUPERVISORS  
4 AND RESIDENTIAL FACILITY DIRECTORS, AND TO MAKE A TECHNICAL  
5 CHANGE.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 90-113.30 reads as rewritten:

8 **"§ 90-113.30. Declaration of purpose.**

9 The North Carolina Substance Abuse ~~Professionals~~ Professional Certification Board,  
10 established by G.S. 90-113.32, is recognized as the certifying authority for ~~certified~~  
11 ~~substance abuse counselors and certified substance abuse prevention consultants~~ substance  
12 abuse professionals described in this Article in order to safeguard the public health,  
13 safety, and welfare, to protect the public from being harmed by unqualified persons, to  
14 assure the highest degree of professional care and conduct on the part of certified  
15 ~~substance abuse counselors and certified substance abuse prevention consultants,~~  
16 professionals, to provide for the establishment of standards for the education of ~~substance~~  
17 ~~abuse counselors and substance abuse prevention consultants,~~ certified substance abuse  
18 professionals, and to ensure the availability of ~~substance abuse counseling services and~~  
19 ~~substance abuse prevention services~~ certified substance abuse professional services of high

1 quality to persons in need of these services. It is the purpose of this Article to provide for  
2 the regulation of Board-certified persons offering substance abuse counseling services,  
3 substance abuse prevention services, or any other substance abuse services for which the  
4 Board may grant certification."

5 Section 2. G.S. 90-113.31 reads as rewritten:

6 **"§ 90-113.31. Definitions.**

7 ~~In this Article, unless the context clearly requires otherwise, the~~ The following  
8 definitions shall apply in this Article:

9 (1) ~~" Board" means the Board. – The North Carolina Substance Abuse~~  
10 ~~Professionals~~ Professional Certification Board.

11 (1a) Certified clinical addictions specialist. – A person certified by the Board  
12 to practice as a clinical addictions specialist in accordance with the  
13 provisions of this Article.

14 (1b) Certified clinical supervisor. – A person certified by the Board to  
15 practice as a clinical supervisor in accordance with the provisions of this  
16 Article.

17 (1c) Certified residential facility director. – A person certified by the Board  
18 to practice as a residential facility director in accordance with the  
19 provisions of this Article.

20 (2) ~~" Certified substance abuse counselor" means any~~ Certified substance abuse  
21 counselor. – A person certified by the Board to practice as a substance  
22 abuse counseling ~~counselor~~ in accordance with the provisions of this  
23 Article.

24 (3) ~~" Substance abuse counseling" means the assessment, evaluation, or~~  
25 ~~provision of counseling to persons suffering from substance abuse or~~  
26 ~~dependency, alcohol abuse or dependency, or drug abuse or~~  
27 ~~dependency.~~

28 (4) ~~" Certified substance abuse prevention consultant" means any~~ Certified  
29 substance abuse prevention consultant. – A person certified by the  
30 Board to practice substance abuse prevention in accordance with the  
31 provisions of this Article.

32 (4a) Credentialing body. – A board that licenses, certifies, or regulates a  
33 profession or practice.

34 (4b) Deemed status. – Recognition by the Board of the credentials offered by  
35 a professional discipline whereby the individuals certified, licensed, or  
36 otherwise recognized by the discipline as having met the standards of a  
37 substance abuse specialist may apply individually for certification as a  
38 certified clinical addictions specialist.

39 (4c) Human services field. – An area of study that focuses on the biological,  
40 psychological, and social aspects of human beings.

41 (4d) Intern. – A person who successfully completes 300 hours of Board  
42 approved supervised practical training and a written examination in  
43 pursuit of certification as a substance abuse counselor.

- 1           (5)    "~~Prevention~~" means the Prevention. – The reduction, delay, or avoidance  
2           of alcohol and of other drug use behavior. 'Prevention' includes the  
3           promotion of positive environments and individual strengths that  
4           contribute to personal health and well-being over an entire life and the  
5           development of strategies that encourage individuals, families, and  
6           communities to take part in assessing and changing their lifestyle and  
7           environments.
- 8           (6)    Professional discipline. – A field of study characterized by the technical,  
9           educational, and ethical standards of a profession.
- 10          (7)    Substance abuse counseling. – The assessment, evaluation, and  
11          provision of counseling to persons suffering from substance, drug, or  
12          alcohol abuse or dependency.
- 13          (8)    Substance abuse professional. – A certified substance abuse counselor,  
14          certified substance abuse prevention consultant, certified clinical  
15          supervisor, certified clinical addictions specialist, or certified residential  
16          facility director."

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

18    "**§ 90-113.32. Board. Board; composition; voting.**

19          (a)    The Board is created as the certifying authority for substance abuse ~~counselors~~  
20          counselors, and substance abuse prevention consultants–consultants, clinical supervisors,  
21          clinical addictions specialists, and residential facility directors in North Carolina.

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

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

- 41               (1)    Eleven professionals certified pursuant to this Article and elected by the  
42               certified professionals, at least two of whom shall serve each of the four  
43               Division of Mental Health, Developmental Disabilities, and Substance

- 1 Abuse Services regions of the ~~State~~; State. Three members shall serve  
2 as members at large.
- 3 (2) Three members at large chosen from laypersons or other professional  
4 disciplines who have shown a special interest in the field of substance  
5 abuse, nominated by the Nominations and Elections Committee  
6 established by subsection (d) of this section and elected by the ~~Board~~;  
7 Board.
- 8 (3) Two members from the Division of Mental Health, Developmental  
9 Disabilities, and Substance Abuse Services, Department of Human  
10 Resources, appointed by the Chief of Substance Abuse Services Section,  
11 Division of Mental Health, Developmental Disabilities, and Substance  
12 Abuse Services, Department of Human Resources, at least one of whom  
13 is from the Substance Abuse Services ~~Section~~; Section.
- 14 (4) One member of the public at large appointed by the ~~Governor~~; and  
15 Governor.
- 16 (5) One member of the public at large appointed by the General Assembly  
17 upon the recommendation of the Speaker of the House of  
18 Representatives in accordance with G.S. 120-121 and one member of  
19 the public at large appointed by the General Assembly upon the  
20 recommendation of the President Pro Tempore of the Senate in  
21 accordance with G.S. 120-121.
- 22 (6) One member shall represent each of the professional disciplines granted  
23 deemed status under G.S. 90-113.41A. The member may be appointed  
24 by the professional discipline on or before a date set by the Board. If  
25 the professional discipline has at least one association in the State, the  
26 member shall be chosen from a list of nominees submitted to the  
27 association. The members appointed or elected under this subdivision  
28 shall be certified as substance abuse specialists by the professional  
29 discipline that the members represent.

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

31 (c1) Every member of the Board shall have the right to vote on all matters before  
32 the Board, except for the President who shall vote only in case of a tie or when another  
33 member of the Board abstains on the question of whether the professional discipline the  
34 member represents shall retain its deemed status.

35 (d) The Board shall appoint five professionals from the field of substance abuse  
36 counseling and substance abuse prevention consulting to serve on the Nominating and  
37 Elections Committee. Of these five, at least three shall not be members of the Board. The  
38 Board shall appoint a member of the Nominating and Elections Committee to serve as  
39 chair. The Committee's purpose is to accept nominations from professionals certified by  
40 the Board to fill vacancies on the Board in membership categories prescribed by  
41 subdivisions (1) and (2) of subsection (c) of this section and to conduct the election of  
42 Board members. The Committee shall solicit nominations from all professionals it has  
43 certified under this Article ~~whenever such a vacancy occurs and when elected members'~~

1 terms are due to expire. The certified professionals shall submit to the Committee all  
2 nominations ~~within 90 days beginning 90 days and ending 14 days~~ before the election of  
3 new Board members. The Committee shall furnish all certified professionals with a ballot  
4 containing all the nominees for each elected Board member vacancy. In soliciting and  
5 making nominations for this process, the Committee shall give consideration to factors  
6 that promote representation on the Board by professionals certified by the Board. The  
7 Committee shall serve for a two-year term, its successors to be appointed for the same  
8 term by the Board.

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

16 (f) If a member becomes ineligible to serve on the Board for any reason, except  
17 when the member has committed an ethical violation that results in the suspension or  
18 revocation of the member's professional credentials, the member may fulfill the  
19 remainder of the member's term on the Board."

20 Section 4. G.S. 90-113.33 reads as rewritten:

21 "**§ 90-113.33. Board; powers and duties.**

22 The Board shall:

- 23 (1) Examine and determine the qualifications and fitness of applicants for  
24 certification to practice in this State ~~as substance abuse counselors and as~~  
25 ~~substance abuse prevention consultants;~~ State.
- 26 (1a) Determine the qualifications and fitness of organizations applying for  
27 deemed status.
- 28 (2) Issue, renew, deny, suspend, or revoke certification to practice in this  
29 State or reprimand or otherwise discipline ~~substance abuse counselors and~~  
30 ~~substance abuse prevention consultants~~ certificate holders in this State;  
31 State. However, 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;~~ reciprocity.
- 38 (4) Conduct investigations for the purpose of determining whether  
39 violations of this Article or grounds for disciplining ~~exist;~~ 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;~~ 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;~~ 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;~~ desirable.
- 7 (8) Establish fees for applications for examination, certificates of  
8 certification and renewal, and other services provided by the ~~Board;~~ and  
9 Board.
- 10 (9) Adopt any rules necessary to carry out the purpose of this Article and its  
11 duties and responsibilities pursuant to this Article.

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

18 Section 5. G.S. 90-113.34 reads as rewritten:

19 **"§ 90-113.34. Records to be kept; copies of records.**

20 The Board shall obtain documentation of all proceedings under this Article and a  
21 record of all persons certified under it. The record shall show the name, last known place  
22 of business, last known place of residence, and date and number of the certificate of  
23 certification as a certified substance abuse ~~counselor or~~ counselor, certified substance  
24 abuse prevention ~~consultant~~ consultant, certified clinical supervisor, certified clinical  
25 addictions specialist, or certified residential facility director for every living certified  
26 person. Any interested person in the State is entitled to obtain a copy of that record on  
27 application to the Board and upon payment of a reasonable charge that is based on the  
28 costs involved in providing the copy. The Board shall keep a hard copy of all records."

29 Section 6. 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 7. G.S. 90-113.38 reads as rewritten:

6 **"§ 90-113.38. Maximums for certain fees.**

7 (a) ~~The combined fees-fee~~ to obtain a certificate of certification as a substance  
8 abuse counselor, substance abuse prevention consultant, clinical supervisor, or residential  
9 facility director may not exceed three hundred dollars (\$300.00)-three hundred twenty-five  
10 dollars (\$325.00). The fee to renew a certificate may not exceed one hundred dollars  
11 (\$100.00).

12 (b) The fee to obtain a certificate of certification for a clinical addictions specialist  
13 pursuant to G.S. 90-113.41A may not exceed one hundred dollars (\$100.00). The fee to  
14 renew a certificate may not exceed fifty dollars (\$50.00). The fee to obtain a certificate  
15 of certification for a clinical addictions specialist under G.S. 90-113.40 may not exceed  
16 three hundred twenty-five dollars (\$325.00). The fee to renew the certificate may not  
17 exceed one hundred dollars (\$100.00).

18 (c) There shall be a reexamination fee of one hundred dollars (\$100.00) which  
19 shall be paid for each reexamination in addition to the fees required under subsection (a)  
20 of this section."

21 Section 8. G.S. 90-113.39 reads as rewritten:

22 **"§ 90-113.39. Standards for certification.**

23 The Board shall establish standards for certification of substance abuse professionals.  
24 The certification standards of the International Certification Reciprocity  
25 Consortium/Alcohol and Other Drug Abuse and ~~of the National Association of Alcoholism~~  
26 ~~and Drug Abuse Counselors~~ the standards adopted by professional disciplines granted  
27 deemed status may be used as guidelines for the Board's standards. The Board shall  
28 publish these required standards separately from its rules so as to provide easy access to  
29 the standards."

30 Section 9. G.S. 90-113.40 reads as rewritten:

31 **"§ 90-113.40. Requirements for certification.**

32 (a) The Board shall issue a certificate certifying an applicant as a "Certified  
33 ~~Substance Abuse Counselor~~" 'Certified Substance Abuse Counselor' or as a "Certified  
34 ~~Substance Abuse Prevention Consultant~~" 'Certified Substance Abuse Prevention Consultant'  
35 if:

36 (1) The applicant is of good moral ~~character;~~ character.

37 (2) The applicant is not and has not engaged in any practice or conduct that  
38 would be grounds for disciplinary action under ~~G.S. 90-113.44;~~ G.S. 90-  
39 113.44.

40 (3) The applicant is qualified for certification pursuant to the requirements  
41 of this Article and any rules adopted pursuant to ~~it;~~ it.

42 (4) The applicant has, at a minimum, a high school diploma or a high  
43 school equivalency ~~certificate;~~ certificate.

- 1 (5) The applicant has signed a form attesting to the intention to adhere fully  
2 to the ethical standards adopted by the ~~Board;~~ Board.
- 3 (6) The applicant has completed 270 hours of ~~Board-approved education;~~  
4 education. The Board may prescribe that a certain number of hours be  
5 in a course of study for substance abuse counseling and that a certain  
6 number of hours be in a course of study for substance abuse prevention  
7 consulting.
- 8 (7) The applicant has documented completion of a minimum of 300 hours  
9 of Supervised Practical Training and has provided a Board-approved  
10 supervision contract between the applicant and an approved ~~supervisor;~~  
11 supervisor.
- 12 (8) The applicant for substance abuse counselor has completed either a total  
13 of ~~three years~~ 6,000 hours of supervised experience in the field, whether  
14 paid or volunteer, or, if a graduate of a Board-approved master's degree  
15 program, a total of ~~18 months~~ 3,000 hours of supervised experience in  
16 the field, whether paid or ~~volunteer;~~ and volunteer. The applicant for  
17 substance abuse prevention consultant has completed a total of 10,000  
18 hours supervised experience in the field, whether paid or volunteer, or  
19 4,000 hours if the applicant has at least a bachelors degree in a human  
20 services field.
- 21 (9) The applicant has successfully completed a written examination and an  
22 oral examination promulgated and administered by the Board.
- 23 (b) The Board shall issue a certificate certifying an individual as a 'Certified  
24 Clinical Supervisor' if, in addition to meeting the requirements of subdivisions (a)(1)  
25 through (5) of this section, the applicant:
- 26 (1) Has been certified as a substance abuse counselor or a clinical  
27 addictions specialist.
- 28 (2) Prior to June 30, 1998, the applicant presents proof that the applicant  
29 has 12,000 hours experience in alcohol and drug abuse counseling and a  
30 bachelors degree or 8,000 hours experience in alcohol and drug abuse  
31 counseling and a minimum of a master's degree. After June 30, 1998,  
32 the applicant shall present proof that the applicant has a minimum of a  
33 master's degree.
- 34 (3) Has 6,000 hours experience as a substance abuse clinical supervisor if  
35 the applicant has a bachelors degree or 4,000 hours experience if the  
36 applicant has a master's degree.
- 37 (4) Has 30 hours of substance abuse clinical supervision specific education  
38 or training. These hours shall be reflective of the 12 core functions in  
39 the applicant's clinical application and practice and may also be counted  
40 toward the applicant's recertification as a substance abuse counselor.
- 41 (5) Submits a letter of reference from a professional who can attest to the  
42 applicant's supervisory competence and two letters of reference from

1           either counselors who have been supervised by the applicant or  
2           professionals who can attest to the applicant's competence.

3           (6) Successfully completes a written examination administered by the  
4           Board.

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

8           (1) Criteria A. – The applicant:

9           a. Has a minimum or a master's degree with a clinical application in  
10           a human services field.

11           b. Has two years postgraduate supervised substance abuse  
12           counseling experience.

13           c. Submits three letters of reference from certified clinical  
14           addictions specialists or certified substance abuse professionals.

15           d. Has achieved a combined score set by the Board on a master's  
16           level written and oral examination administered by the Board.

17           e. Has attained 180 hours of substance abuse specific training as  
18           described in G.S. 90-113.41A.

19           (2) Criteria B. – The applicant:

20           a. Has a minimum of a master's degree with a clinical application in  
21           a human services field.

22           b. Has been certified as a substance abuse counselor.

23           c. Has one year of postgraduate supervised substance abuse  
24           counseling experience.

25           d. Has achieved a passing score on a master's level written  
26           examination administered by the Board.

27           e. Submits three letters of reference from certified clinical  
28           addictions specialists or certified substance abuse professionals.

29           (3) Criteria C. – The applicant:

30           a. Has a minimum of a master's degree in a human services field  
31           with a substance abuse specialty that includes 180 hours of  
32           substance abuse specific education and training pursuant to G.S.  
33           113.41A.

34           b. Has one year of postgraduate supervised substance abuse  
35           counseling experience.

36           c. Has achieved a passing score on an oral examination  
37           administered by the Board.

38           d. Submits three letters of reference from certified clinical  
39           addictions specialists or certified substance abuse professionals.

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

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

4 (1) Has been certified as a substance abuse counselor.

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

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

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

12 Section 10. G.S. 90-113.41 reads as rewritten:

13 "**§ 90-113.41. Examination.**

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

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

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

27 (d) Applicants may obtain their examination scores and may review their  
28 examination papers in accordance with rules the Board adopts."

29 Section 11. Article 5C of Chapter 90 of the General Statutes is amended to add  
30 a new section to read:

31 "**§ 90-113.41A. Deemed status.**

32 (a) To be granted deemed status by the Board, a credentialing body of a  
33 professional discipline or its designee shall demonstrate that its substance abuse  
34 certification program substantially meets the following:

35 (1) Each person to whom the credentialing body awards credentials  
36 following the effective date of this act meets and maintains minimum  
37 requirements in substance abuse specific content areas. Each person  
38 also has a minimum of a master's degree with a clinical application in a  
39 human services field.

40 (2) The body requires 180 hours, or the equivalent thereof, of substance  
41 abuse specific education and training that covers the following content  
42 areas:

- a. Basic addiction and cross addiction Physiology and Pharmacology of Psychoactive drugs that are abused.
- b. Screening, assessment, and intake of clients.
- c. Individual, group, and family counseling.
- d. Treatment, planning, reporting, and record keeping.
- e. Crisis intervention.
- f. Case management and treatment resources.
- g. Ethics, legal issues, and confidentiality.
- h. Psychological, emotional, personality, and developmental issues.
- i. Coexisting physical and mental disabilities.
- j. Special population issues, including age, gender, race, ethnicity, and health status.
- k. Traditions and philosophies of recovery treatment models and support groups.

(3) The program requires one year or its equivalent of post-degree supervised clinical substance abuse practice. At least fifty percent (50%) of the practice shall consist of direct substance abuse clinical care.

(b) The professional discipline seeking deemed status shall require its members to adhere to a code of ethical conduct and shall enforce that code with disciplinary action.

(c) The Board may grant deemed status to any professional discipline that substantially meets the standards in this section. Once such status has been granted, an individual within the professional discipline may apply to the Board for certification as a certified clinical addictions specialist.

(d) The Standards and Credentialing Committee of the Board shall review the standards of each professional discipline every third year from the date it was granted deemed status to determine if the discipline continues to substantially meet the requirements of this section. If the Committee finds that a professional discipline no longer meets the requirements of this section, it shall report its findings to the Board at the Board's next regularly scheduled meeting. The deemed status standing of a professional discipline's credential may be discontinued by a two-thirds vote of the Board."

Section 12. G.S. 90-113.42 reads as rewritten:

**"§ 90-113.42. Exemptions.**

It is not the intent of this Article to regulate members of other regulated professions who provide substance abuse services or consultation in the normal course of the practice of their profession. Accordingly, this Article does not apply to any person registered, certified, or licensed by the State to practice any other occupation or profession while rendering substance abuse services or consultation in the performance of the occupation or profession for which ~~he~~ the person is registered, certified, or licensed. Only individuals certified under this Article may use the title "~~certified substance abuse counselor~~" or "~~certified substance abuse prevention consultant~~" certified substance abuse counselor,

1 certified substance abuse prevention consultant, certified clinical supervisor, certified  
2 clinical addictions specialist, or certified residential facility director."

3 Section 13. G.S. 90-113.43 reads as rewritten:

4 **"§ 90-113.43. Illegal practice; misdemeanor penalty.**

5 Except as otherwise authorized in this Article, no person shall:

- 6 (1) Practice, attempt to practice, or supervise while holding out to be a  
7 certified substance abuse ~~counselor~~ or a counselor, certified substance  
8 abuse prevention ~~consultant~~ consultant, certified clinical supervisor,  
9 certified clinical addictions specialist, or certified residential facility  
10 director without first having obtained a certificate of certification from  
11 the ~~Board~~; Board.
- 12 (2) Use in connection with any name any letters, words, numerical codes, or  
13 insignia indicating or implying that this person is a certified substance  
14 abuse ~~counselor~~ or a counselor, certified substance abuse prevention  
15 ~~consultant~~ consultant, certified clinical supervisor, certified clinical  
16 addictions specialist, or certified residential facility director unless this  
17 person is certified pursuant to this ~~Article~~; Article.
- 18 (3) Practice or attempt to practice as a certified substance abuse ~~counselor~~ or  
19 counselor, certified substance abuse prevention ~~consultant~~ consultant,  
20 certified clinical supervisor, certified clinical addictions specialist, or  
21 certified residential facility director with a revoked, lapsed, or  
22 suspended ~~certification~~; certification.
- 23 (4) Aid, abet, or assist any uncertified person to practice as a certified  
24 substance abuse ~~counselor~~ or counselor, certified substance abuse  
25 prevention ~~consultant~~ consultant, certified clinical supervisor, certified  
26 clinical addictions specialist, or certified residential facility director in  
27 violation of this ~~Article~~; Article.
- 28 (5) Knowingly serve in a position required by State law or rule or federal  
29 law or regulation to be filled by a certified substance abuse ~~counselor~~ or  
30 a ~~counselor~~, certified substance abuse prevention ~~consultant~~ consultant,  
31 certified clinical supervisor, certified clinical addictions specialist, or  
32 certified residential facility director unless that person is ~~so~~ certified  
33 under this ~~Article~~; or Article.
- 34 ~~(6) Otherwise violate any of the provisions of this Article or any of the rules~~  
35 ~~adopted pursuant to it.~~
- 36 (7) Practice, supervise, or attempt to practice or supervise or knowingly  
37 serve in a position required by State law or rule or federal law or  
38 regulation to be filled by a designated substance abuse intern without  
39 being designated as such by the Board.

40 A person who engages in any of the illegal practices enumerated by this section is  
41 guilty of a Class 1 misdemeanor. Each act of unlawful practice constitutes a distinct and  
42 separate offense."

43 Section 14. G.S. 90-113.44 reads as rewritten:

1 **"§ 90-113.44. Grounds for disciplinary action.**

2 Grounds for disciplinary action include:

- 3 (1) The employment of fraud, deceit, or misrepresentation in obtaining or  
4 attempting to obtain certification or renewal of ~~certification~~; certification.
- 5 (2) The use of drugs or alcoholic beverages to the extent that professional  
6 competency is affected, until proof of rehabilitation can be ~~established~~;  
7 established.
- 8 (3) Conviction of an offense under any municipal, State, or federal narcotic  
9 or controlled substance law, until proof of rehabilitation can be  
10 ~~established~~; established.
- 11 (4) Conviction of a felony or other public offense involving moral  
12 turpitude, until proof of rehabilitation can be ~~established~~; established.
- 13 (5) An adjudication of insanity or incompetency, until proof of recovery  
14 from this condition can be ~~established~~; established.
- 15 (6) Engaging in any act or practice violative of any of the provisions of this  
16 Article or any of the rules adopted pursuant to it, or aiding, abetting, or  
17 assisting any other person in such a ~~violation~~; violation.
- 18 (7) The commission of an act of malpractice, gross negligence, or  
19 incompetence in the practice of substance abuse ~~counseling~~ or in  
20 counseling, substance abuse prevention ~~consulting~~; consulting, clinical  
21 supervising, or in serving as a clinical addictions specialist or residential  
22 facility director.
- 23 (8) Practicing as a certified substance abuse ~~counselor~~ or as a counselor,  
24 certified substance abuse prevention ~~consultant~~ consultant, certified  
25 clinical supervisor, certified clinical addictions specialist or certified  
26 residential facility director without a valid ~~certificate~~; and certificate.
- 27 (9) Engaging in conduct that could result in harm or injury to the public."

28 Section 15. G.S. 90-113.46 reads as rewritten:

29 **"§ 90-113.46. Application of requirements of Article.**

30 All persons certified by the North Carolina Substance Abuse ~~Professionals~~  
31 Professional Certification Board, Inc., as of July 1, 1994, shall be certified by the Board  
32 pursuant to this Article. All these persons are subject to all the other requirements of this  
33 Article and of the rules adopted pursuant to it."

34 Section 16. Article 5C of Chapter 90 of the General Statutes is amended by  
35 adding the following new section:

36 **"§ 90-113.47. Third-party reimbursement.**

37 Nothing in this Article shall be construed to require direct third-party reimbursements  
38 to persons certified under this Article."

39 Section 17. Notwithstanding G.S. 90-113.40(c), as enacted by Section 9 of this  
40 act, the North Carolina Substance Abuse Professional Certification Board (Board) may  
41 certify a person as a 'Clinical Addictions Specialist' during a limited period of one year  
42 after the effective date of this act upon the submission of proof of one of the following to  
43 the Board:

- 1           (1)    Certification as a substance abuse counselor holding a master's degree  
2           with a clinical application in a human services field; the equivalent of  
3           two years of full-time post-graduate supervised substance abuse  
4           experience; and three letters of reference from certified substance abuse  
5           professionals who have master's degrees.
- 6           (2)    Certification as a substance abuse counselor with a bachelors degree in a  
7           human services field; the equivalent of five years of full-time, post-  
8           graduate, supervised substance abuse experience; a passing score on a  
9           master's level written examination; and submission of three letters of  
10          reference from certified substance abuse professionals who have  
11          master's degrees.
- 12          (3)    Certification as a clinical supervisor; a master's degree with a clinical  
13          application in a human services field; and three letters of reference from  
14          certified substance abuse professionals who have master's degrees.
- 15          (4)    Certification as a substance abuse counselor; a master's degree with a  
16          clinical application in a human services field with a substance abuse  
17          specialty; and three letters of reference from certified substance abuse  
18          professionals who have master's degrees.
- 19          (5)    Certification before July 1, 1994, as an alcohol counselor, a drug and  
20          alcohol counselor, or a substance abuse counselor; the equivalent of 10  
21          years of documented full-time substance abuse work experience; and  
22          three letters of reference from certified substance abuse professionals  
23          who have master's degrees.
- 24          (6)    Certification, licensure, or membership in good standing with a  
25          professional discipline that has been granted deemed status under G.S.  
26          90-113.41A, as enacted by Section 11 of this act.

27           Section 18. Notwithstanding G.S. 90-113.40(c), as enacted by Section 9 of this  
28   act, the Board may certify an applicant as a "Clinical Addictions Specialist" during a  
29   limited period of three years beginning October 1, 1998, if the applicant completes and  
30   submits proof to the Board that the applicant: (i) has been certified as a substance abuse  
31   counselor; (ii) has the equivalent of 10 years of supervised, full-time, substance abuse  
32   counseling experience; (iii) has passed a master's level oral and written examination and;  
33   (iv) submits three letters of reference from certified substance abuse professionals who  
34   hold master's degrees.

35           Section 19. This act becomes effective October 1, 1997.