

GENERAL ASSEMBLY OF NORTH CAROLINA  
1997 SESSION

SESSION LAW 1997-492  
SENATE BILL 712

AN ACT TO CERTIFY CLINICAL ADDICTIONS SPECIALISTS, PROVIDE SPECIFIC AUTHORITY FOR CERTIFICATION OF CLINICAL SUPERVISORS AND RESIDENTIAL FACILITY DIRECTORS, AND TO MAKE A TECHNICAL CHANGE.

The General Assembly of North Carolina enacts:

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

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

The North Carolina Substance Abuse ~~Professionals~~ Professional Certification Board, established by G.S. 90-113.32, is recognized as the certifying authority for ~~certified substance abuse counselors and certified substance abuse prevention consultants~~ substance abuse professionals described in this Article in order to safeguard the public health, safety, and welfare, to protect the public from being harmed by unqualified persons, to assure the highest degree of professional care and conduct on the part of certified substance abuse ~~counselors and certified substance abuse prevention consultants,~~ professionals, to provide for the establishment of standards for the education of ~~substance abuse counselors and substance abuse prevention consultants,~~ certified substance abuse professionals, and to ensure the availability of ~~substance abuse counseling services and substance abuse prevention services~~ certified substance abuse professional services of high quality to persons in need of these services. It is the purpose of this Article to provide for the regulation of Board-certified persons offering substance abuse counseling services, substance abuse prevention services, or any other substance abuse services for which the Board may grant certification."

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

**"§ 90-113.31. Definitions.**

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

- (1) ~~"Board" means the Board.~~ -- The North Carolina Substance Abuse ~~Professionals~~ 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.
- (2) ~~"Certified substance abuse counselor" means any Certified substance abuse counselor. -- A person certified by the Board to practice as a substance abuse counseling counselor in accordance with the provisions of this Article.~~
- (3) ~~"Substance abuse counseling" means the assessment, evaluation, or provision of counseling to persons suffering from substance abuse or dependency, alcohol abuse or dependency, or drug abuse or dependency.~~
- (4) ~~"Certified substance abuse prevention consultant" means any Certified substance abuse prevention consultant. -- A person certified by the Board to practice substance abuse prevention in accordance with the provisions of this Article.~~
- (4a) Credentialing body. -- A board that licenses, certifies, or regulates a profession or practice.
- (4b) Deemed status. -- Recognition by the Board of the credentials offered by a professional discipline whereby the individuals certified, licensed, or otherwise recognized by the discipline as having met the standards of a substance abuse specialist may apply individually for certification as a certified clinical addictions specialist.
- (4c) Human services field. -- An area of study that focuses on the biological, psychological, and social aspects of human beings.
- (4d) Intern. -- A person who successfully completes 300 hours of Board approved supervised practical training and a written examination in pursuit of certification as a substance abuse counselor.
- (5) ~~"Prevention" means the Prevention. -- The reduction, delay, or avoidance of alcohol and of other drug use behavior. 'Prevention' includes the promotion of positive environments and individual strengths that contribute to personal health and well-being over an entire life and the development of strategies that encourage individuals, families, and communities to take part in assessing and changing their lifestyle and environments.~~
- (6) Professional discipline. -- A field of study characterized by the technical, educational, and ethical standards of a profession.
- (7) Substance abuse counseling. -- The assessment, evaluation, and provision of counseling to persons suffering from substance, drug, or alcohol abuse or dependency.

- (8) Substance abuse professional. -- A certified substance abuse counselor, certified substance abuse prevention consultant, certified clinical supervisor, certified clinical addictions specialist, or certified residential facility director."

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

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

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

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

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

- (1) Eleven professionals certified pursuant to this Article and elected by the certified professionals, at least two of whom shall serve each of the four Division of Mental Health, Developmental Disabilities, and Substance Abuse Services regions of the ~~State;~~ State. Three members shall serve as members at large.
- (2) Three members at large chosen from laypersons or other professional disciplines who have shown a special interest in the field of substance abuse, nominated by the Nominations and Elections Committee established by subsection (d) of this section and elected by the ~~Board;~~ Board.
- (3) Two members from the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Human Resources, appointed by the Chief of Substance Abuse Services Section, Division of Mental Health, Developmental Disabilities, and

- Substance Abuse Services, Department of Human Resources, at least one of whom is from the Substance Abuse Services ~~Section~~; Section.
- (4) One member of the public at large appointed by the ~~Governor~~; and Governor.
  - (5) One member of the public at large appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 and one member of the public at large appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.
  - (6) One member shall represent each of the professional disciplines granted deemed status under G.S. 90-113.41A. The member may be appointed by the professional discipline on or before a date set by the Board. If the professional discipline has at least one association in the State, the member shall be chosen from a list of nominees submitted to the association. The members appointed or elected under this subdivision shall be certified as substance abuse specialists by the professional discipline that the members represent.

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

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

(d) The Board shall appoint five professionals from the field of substance abuse counseling and substance abuse prevention consulting to serve on the Nominating and Elections Committee. Of these five, at least three shall not be members of the Board. The Board shall appoint a member of the Nominating and Elections Committee to serve as chair. The Committee's purpose is to accept nominations from professionals certified by the Board to fill vacancies on the Board in membership categories prescribed by subdivisions (1) and (2) of subsection (c) of this section and to conduct the election of Board members. The Committee shall solicit nominations from all professionals it has certified under this Article ~~whenever such a vacancy occurs and when elected members' terms are due to expire.~~ The certified professionals shall submit to the Committee all nominations ~~within 90 days beginning~~ 90 days and ending 14 days before the election of new Board members. The Committee shall furnish all certified professionals with a ballot containing all the nominees for each elected Board member vacancy. In soliciting and making nominations for this process, the Committee shall give consideration to factors that promote representation on the Board by professionals certified by the Board. The Committee shall serve for a two-year term, its successors to be appointed for the same term by the Board.

(e) Members of the Board shall serve for three-year terms. No Board member shall serve for more than two consecutive terms, but a person who has been a member for two consecutive terms may be reappointed after being off the Board for a period of

at least one year. When a vacancy occurs in an unexpired term, the Board ~~shall~~shall, as soon as practicable, appoint temporary members to serve until the next membership election. Time spent as a temporary member does not count in determining the limitation on consecutive terms.

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

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

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

The Board shall:

- (1) Examine and determine the qualifications and fitness of applicants for certification to practice in this State ~~as substance abuse counselors and as substance abuse prevention consultants;~~ State.
- (1a) Determine the qualifications and fitness of organizations applying for deemed status.
- (2) Issue, renew, deny, suspend, or revoke certification to practice in this State or reprimand or otherwise discipline ~~substance abuse counselors and substance abuse prevention consultants~~ certificate holders in this State; ~~State.~~ However, disciplinary actions involving a clinical addictions specialist whose certification is achieved through deemed status shall be initially heard by the specialist's credentialing body. The specialist may appeal the body's decision to the Board. The Board shall, however, have the authority to hear the initial disciplinary action involving a clinical addictions specialist.
- (3) Deal with issues concerning ~~reciprocity;~~ reciprocity.
- (4) Conduct investigations for the purpose of determining whether violations of this Article or grounds for disciplining ~~exist;~~ exists.
- (5) Employ the professional and clerical personnel necessary to carry out the provisions of this Article. The Board may purchase or rent necessary office space, equipment, and ~~supplies;~~ supplies.
- (6) Conduct administrative hearings in accordance with Chapter 150B of the General Statutes when a 'contested case', as defined in Chapter 150B, ~~arises;~~ arises.
- (7) Appoint from its own membership one or more members to act as representatives of the Board at any meeting in which it considers this representation is ~~desirable;~~ desirable.
- (8) Establish fees for applications for examination, certificates of certification and renewal, and other services provided by the ~~Board;~~ and Board.
- (9) Adopt any rules necessary to carry out the purpose of this Article and its duties and responsibilities pursuant to this Article.

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

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

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

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

Section 6. G.S. 90-113.37 reads as rewritten:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The applicant is of good moral ~~character;~~ character.
- (2) The applicant is not and has not engaged in any practice or conduct that would be grounds for disciplinary action under ~~G.S. 90-113.44;~~ G.S. 90-113.44.
- (3) The applicant is qualified for certification pursuant to the requirements of this Article and any rules adopted pursuant to ~~it;~~ it.
- (4) The applicant has, at a minimum, a high school diploma or a high school equivalency ~~certificate;~~ certificate.
- (5) The applicant has signed a form attesting to the intention to adhere fully to the ethical standards adopted by the ~~Board;~~ Board.
- (6) The applicant has completed 270 hours of Board-approved ~~education;~~ education. The Board may prescribe that a certain number of hours be in a course of study for substance abuse counseling and that a certain number of hours be in a course of study for substance abuse prevention consulting.
- (7) The applicant has documented completion of a minimum of 300 hours of Supervised Practical Training and has provided a Board-approved supervision contract between the applicant and an approved ~~supervisor;~~ supervisor.

- (8) The applicant for substance abuse counselor has completed either a total of ~~three years~~ 6,000 hours of supervised experience in the field, whether paid or volunteer, or, if a graduate of a Board-approved master's degree program, a total of ~~18 months~~ 3,000 hours of supervised experience in the field, whether paid or volunteer; and volunteer. The applicant for substance abuse prevention consultant has completed a total of 10,000 hours supervised experience in the field, whether paid or volunteer, or 4,000 hours if the applicant has at least a bachelors degree in a human services field.
- (9) The applicant has successfully completed a written examination and an oral examination promulgated and administered by the Board.

(b) The Board shall issue a certificate certifying an individual as a 'Certified Clinical Supervisor' if, in addition to meeting the requirements of subdivisions (a)(1) through (5) of this section, the applicant:

- (1) Has been certified as a substance abuse counselor or a clinical addictions specialist.
- (2) Prior to June 30, 1998, the applicant presents proof that the applicant has 12,000 hours experience in alcohol and drug abuse counseling and a bachelors degree or 8,000 hours experience in alcohol and drug abuse counseling and a minimum of a master's degree. After June 30, 1998, the applicant shall present proof that the applicant has a minimum of a master's degree.
- (3) Has 6,000 hours experience as a substance abuse clinical supervisor if the applicant has a bachelors degree or 4,000 hours experience if the applicant has a master's degree.
- (4) Has 30 hours of substance abuse clinical supervision specific education or training. These hours shall be reflective of the 12 core functions in the applicant's clinical application and practice and may also be counted toward the applicant's recertification as a substance abuse counselor.
- (5) Submits a letter of reference from a professional who can attest to the applicant's supervisory competence and two letters of reference from either counselors who have been supervised by the applicant or professionals who can attest to the applicant's competence.
- (6) Successfully completes a written examination administered by the Board.

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

- (1) Criteria A. -- The applicant:
  - a. Has a minimum or a master's degree with a clinical application in a human services field.

- b. Has two years postgraduate supervised substance abuse counseling experience.
- c. Submits three letters of reference from certified clinical addictions specialists or certified substance abuse professionals.
- d. Has achieved a combined score set by the Board on a master's level written and oral examination administered by the Board.
- e. Has attained 180 hours of substance abuse specific training as described in G.S. 90-113.41A.

(2) Criteria B. -- The applicant:

- a. Has a minimum of a master's degree with a clinical application in a human services field.
- b. Has been certified as a substance abuse counselor.
- c. Has one year of postgraduate supervised substance abuse counseling experience.
- d. Has achieved a passing score on a master's level written examination administered by the Board.
- e. Submits three letters of reference from certified clinical addictions specialists or certified substance abuse professionals.

(3) Criteria C. -- The applicant:

- a. Has a minimum of a master's degree in a human services field with a substance abuse specialty that includes 180 hours of substance abuse specific education and training pursuant to G.S. 113.41A.
- b. Has one year of postgraduate supervised substance abuse counseling experience.
- c. Has achieved a passing score on an oral examination administered by the Board.
- d. Submits three letters of reference from certified clinical addictions specialists or certified substance abuse professionals.

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

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

- (1) Has been certified as a substance abuse counselor.
- (2) Has 50 hours of Board approved academic or didactic management specific training or a combination thereof.
- (3) Submits letters of reference from the applicant's current supervisor and a colleague or coworker.

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

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

**"§ 90-113.41. Examination.**

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

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

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

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

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

**"§ 90-113.41A. Deemed status.**

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

- (1) Each person to whom the credentialing body awards credentials following the effective date of this act meets and maintains minimum requirements in substance abuse specific content areas. Each person also has a minimum of a master's degree with a clinical application in a human services field.
- (2) The body requires 180 hours, or the equivalent thereof, of substance abuse specific education and training that covers the following content 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, certified substance abuse prevention consultant, certified clinical supervisor, certified clinical addictions specialist, or certified residential facility director."

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

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

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

- (1) Practice, attempt to practice, or supervise while holding out to be a certified substance abuse counselor or a counselor, certified substance abuse prevention consultant, certified clinical supervisor, certified clinical addictions specialist, or certified residential facility

- director without first having obtained a certificate of certification from the ~~Board;~~ Board.
- (2) Use in connection with any name any letters, words, numerical codes, or insignia indicating or implying that this person is a certified substance abuse ~~counselor or a counselor,~~ certified substance abuse prevention ~~consultant~~ consultant, certified clinical supervisor, certified clinical addictions specialist, or certified residential facility director unless this person is certified pursuant to this ~~Article;~~ Article.
  - (3) Practice or attempt to practice as a certified substance abuse ~~counselor or a counselor,~~ certified substance abuse prevention ~~consultant~~ consultant, certified clinical supervisor, certified clinical addictions specialist, or certified residential facility director with a revoked, lapsed, or suspended ~~certification;~~ certification.
  - (4) Aid, abet, or assist any uncertified person to practice as a certified substance abuse ~~counselor or a counselor,~~ certified substance abuse prevention ~~consultant~~ consultant, certified clinical supervisor, certified clinical addictions specialist, or certified residential facility director in violation of this ~~Article;~~ Article.
  - (5) Knowingly serve in a position required by State law or rule or federal law or regulation to be filled by a certified substance abuse ~~counselor or a counselor,~~ certified substance abuse prevention ~~consultant~~ consultant, certified clinical supervisor, certified clinical addictions specialist, or certified residential facility director unless that person is ~~so certified under this Article;~~ or Article.
  - (6) ~~Otherwise violate any of the provisions of this Article or any of the rules adopted pursuant to it.~~
  - (7) Practice, supervise, or attempt to practice or supervise or knowingly serve in a position required by State law or rule or federal law or regulation to be filled by a designated substance abuse intern without being designated as such by the Board.

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

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

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

Grounds for disciplinary action include:

- (1) The employment of fraud, deceit, or misrepresentation in obtaining or attempting to obtain certification or renewal of ~~certification;~~ certification.
- (2) The use of drugs or alcoholic beverages to the extent that professional competency is affected, until proof of rehabilitation can be ~~established;~~ established.

- (3) Conviction of an offense under any municipal, State, or federal narcotic or controlled substance law, until proof of rehabilitation can be ~~established~~; established.
- (4) Conviction of a felony or other public offense involving moral turpitude, until proof of rehabilitation can be ~~established~~; established.
- (5) An adjudication of insanity or incompetency, until proof of recovery from this condition can be ~~established~~; established.
- (6) Engaging in any act or practice violative of any of the provisions of this Article or any of the rules adopted pursuant to it, or aiding, abetting, or assisting any other person in such a ~~violation~~; violation.
- (7) The commission of an act of malpractice, gross negligence, or incompetence in the practice of substance abuse ~~counseling or in counseling~~, substance abuse prevention consulting; consulting, clinical supervising, or in serving as a clinical addictions specialist or residential facility director.
- (8) Practicing as a certified substance abuse ~~counselor or as a counselor~~, certified substance abuse prevention consultant; consultant, certified clinical supervisor, certified clinical addictions specialist or certified residential facility director without a valid ~~certificate; and certificate~~.
- (9) Engaging in conduct that could result in harm or injury to the public."

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

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

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

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

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

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

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

- (1) Certification as a substance abuse counselor holding a master's degree with a clinical application in a human services field; the equivalent of two years of full-time post-graduate supervised substance abuse experience; and three letters of reference from certified substance abuse professionals who have master's degrees.
- (2) Certification as a substance abuse counselor with a bachelors degree in a human services field; the equivalent of five years of full-time, post-

graduate, supervised substance abuse experience; a passing score on a master's level written examination; and submission of three letters of reference from certified substance abuse professionals who have master's degrees.

- (3) Certification as a clinical supervisor; a master's degree with a clinical application in a human services field; and three letters of reference from certified substance abuse professionals who have master's degrees.
- (4) Certification as a substance abuse counselor; a master's degree with a clinical application in a human services field with a substance abuse specialty; and three letters of reference from certified substance abuse professionals who have master's degrees.
- (5) Certification before July 1, 1994, as an alcohol counselor, a drug and alcohol counselor, or a substance abuse counselor; the equivalent of 10 years of documented full-time substance abuse work experience; and three letters of reference from certified substance abuse professionals who have master's degrees.
- (6) Certification, licensure, or membership in good standing with a professional discipline that has been granted deemed status under G.S. 90-113.41A, as enacted by Section 11 of this act.

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

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

In the General Assembly read three times and ratified this the 28th day of August, 1997.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ Harold J. Brubaker  
Speaker of the House of Representatives

s/ James B. Hunt, Jr.  
Governor

Approved 11:19 a.m. this 10th day of September, 1997