

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-370
SENATE BILL 1062**

AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY REGISTRANTS AND TO INCREASE FEES.

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) Approved supervisor. – A person who provides supervision as required by the Board to persons applying for registration or certification as a substance abuse professional pursuant to this Article.
- ~~(1)~~(1a) Board. – The North Carolina Substance Abuse Professional Certification Board.
- ~~(1a)~~(1b) 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)~~(1c) Certified clinical supervisor. – A person certified by the Board to practice as a clinical supervisor in accordance with the provisions of this Article.
- ~~(1c)~~(1d) 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. – A person certified by the Board to practice as a substance abuse counselor in accordance with the provisions of this Article.
- (3) Repealed by S.L. 1997-492, s. 2.
- (3a) Certified substance abuse prevention consultant. – A person certified by the Board to practice substance abuse prevention in accordance with the provisions of this Article.
- (4) Clinical supervisor intern. – A person designated by the Board to practice as a clinical supervisor intern for a period not to exceed three years without a showing of good cause 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) Repealed by Session Laws 1999-164, s. 1.

- (5) 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.
- (6a) Registrant. – A person who has initiated a certification process to become a certified substance abuse counselor or a certified clinical addictions specialist pursuant to this Article and is authorized to provide DWI assessments pursuant to G.S. 122C-142.1.
- (7) Substance abuse counseling. – The assessment, evaluation, and provision of counseling to persons suffering from substance, drug, or alcohol abuse or dependency.
- (7a) Substance abuse counselor 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.
- (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 2. G.S. 90-113.33(2) reads as rewritten:

"The Board shall:

- ..(2) Issue, renew, deny, suspend, or revoke certification or registration to practice in this State or reprimand or otherwise discipline certificate or registration holders in this State. Denial of an applicant's certification or registration or the granting of certification or registration on a probationary or other conditional status shall be subject to substantially the same rules and procedures prescribed by the Board for review and disciplinary actions against those persons holding ~~certificates, certificates or registrations.~~ 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."

SECTION 3. G.S. 90-113.33(8) reads as rewritten:

"The Board shall:

- ..(8) Establish fees for applications for examination, registration, certificates of certification and renewal, and other services provided by the Board."

SECTION 4. G.S. 90-113.38 reads as rewritten:

"§ 90-113.38. Maximums for certain fees.

(a) The 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 twenty five dollars (\$325.00).~~ four hundred seventy-five dollars (\$475.00). The fee to renew a certificate may not exceed ~~one hundred dollars (\$100.00).~~ one hundred fifty dollars (\$150.00).

(b) The fee to obtain a certificate of certification for a clinical addictions specialist pursuant to deemed status may not exceed ~~one hundred dollars (\$100.00).~~ one hundred fifty dollars (\$150.00). The fee to renew a certificate may not exceed ~~fifty~~

~~dollars (\$50.00), one hundred dollars (\$100.00).~~ The fee to obtain a certificate of certification for a clinical addictions specialist pursuant to all other procedures authorized by this Article may not exceed ~~three hundred twenty five dollars (\$325.00), four hundred seventy-five dollars (\$475.00).~~ The fee to renew the certificate may not exceed ~~one hundred dollars (\$100.00), one hundred fifty dollars (\$150.00).~~

(b1) The fee to obtain a registration as a registrant shall be one hundred fifty dollars (\$150.00). The fee to renew a registration shall be one hundred fifty dollars (\$150.00).

(c) There shall be a reexamination fee of ~~one hundred dollars (\$100.00)~~ one hundred fifty dollars (\$150.00) which shall be paid for each reexamination in addition to the fees required under subsection (a) of this section.

(d) There shall be a fee of twenty-five dollars (\$25.00) to obtain a written verification of certification by the Board."

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

"§ 90-113.40A. Requirements for registration.

(a) Upon application and payment of the required fee, the Board shall issue a registration designating an applicant as a registrant if the applicant:

- (1) Provides documentation that he or she has received a high school diploma, or the equivalent, and evidence of any baccalaureate or advanced degrees the applicant has received.
- (2) Completes a registration application on a form provided by the Board.
- (3) Provides documentation of three hours of educational training in ethics.
- (4) Signs a form attesting to the applicant's commitment to adhere to the ethical standards adopted by the Board.
- (5) Signs a supervision contract provided by the Board that documents the proposed supervision process by an approved supervisor.

(b) Registrant status shall be maintained for a period of up to five years while the registrant is in the process of completing his or her requirements for certification pursuant to this Article. If at the end of a five-year period a registrant has not obtained certification under this Article, the Board shall renew the registration for up to an additional five-year period after the registrant pays the required fee and complies with all requirements for registration pursuant to G.S. 90-113.40A. The Board shall terminate the registration of any registrant who fails to renew his or her registration."

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

"§ 90-113.40B. Approved supervision.

The Board shall designate a person as an approved supervisor of individuals applying for registration or certification as a substance abuse professional as follows:

- (1) A certified clinical supervisor shall supervise a clinical supervisor intern.
- (2) A certified clinical supervisor or a clinical supervisor intern shall supervise a residential facility director applicant, a clinical addictions specialist applicant, or a substance abuse counselor applicant.
- (3) A certified clinical supervisor, a clinical supervisor intern, a certified clinical addictions specialist, or a certified substance abuse counselor shall supervise a registrant who provides DWI assessments.
- (4) A certified prevention consultant with a minimum of three years of professional experience, a certified clinical supervisor, or a clinical supervisor intern shall supervise a registrant applying for certification as a prevention consultant.
- (5) Pursuant to the deemed status procedure under G.S. 90-113.41A, the supervision requirements described in subdivisions (1) through (4) of

this section shall not apply to persons applying for certification as a certified clinical addictions specialist."

SECTION 7. 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 registration or renewal of ~~certification~~certification or registration.
- (2) The use of drugs or alcoholic beverages to the extent that professional competency is affected, until proof of rehabilitation can be established.
- (3) Conviction of an offense under any municipal, State, or federal narcotic or controlled substance law, until proof of rehabilitation can be established.
- (4) Conviction of a felony or other public offense involving moral turpitude, until proof of rehabilitation can be established. Conviction of a Class A-E felony shall result in an immediate suspension of certification or registration for a minimum of one year.
- (5) An adjudication of insanity or incompetency, until proof of recovery from this condition can be established.
- (6) Engaging in any act or practice ~~violative~~in violation 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.
- (7) The commission of an act of malpractice, gross negligence, or incompetence in the practice of substance abuse counseling, substance abuse prevention consulting, clinical supervising, or in serving as a clinical addictions ~~specialist~~specialist, residential facility ~~director~~director, or a registrant.
- (8) Practicing as a certified substance abuse counselor, certified substance abuse prevention consultant, certified clinical supervisor, certified clinical addictions specialist or certified residential facility director without a valid ~~certificate~~certificate or practicing as a registrant without a valid registration.
- (9) Engaging in conduct that could result in harm or injury to the public."

SECTION 8. Article 5C of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-113.41B. Change of name or address.

Every person certified or registered under the provisions of this Article shall give written notice to the Board of any change in his or her name or address within 60 business days after the change takes place."

SECTION 9. G.S. 122C-142.1(b) reads as rewritten:

"(b) Assessments. – To conduct a substance abuse assessment, a facility shall give a client a standardized test approved by the Department to determine chemical dependency and shall conduct a clinical interview with the client. Based on the assessment, the facility shall recommend that the client either attend an alcohol and drug education traffic (ADET) school or obtain treatment. A recommendation shall be reviewed and signed by a certified alcoholism, drug abuse, or substance abuse counselor, as defined by the Commission, a Certified Substance Abuse Counselor, or by a physician certified by the American Society of Addiction Medicine (ASAM). The signature on the recommendation shall be the personal signature of the individual authorized to review the recommendation and not the signature of his or her agent. The signature shall reflect that the authorized individual has personally reviewed the recommendation and, with full knowledge of the contents of the recommendation, approved of the recommended treatment."

SECTION 10. This act becomes effective April 1, 2002.
In the General Assembly read three times and ratified this the 6th day of August, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:54 a.m. this 17th day of August, 2001