

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 887

Short Title: Amend Substance Abuse Prof. Practice Act. (Public)

Sponsors: Representatives Grange, Torbett, Dobson, and Fisher (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Rules, Calendar, and Operations of the House

April 22, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE AND REVISE THE SUBSTANCE ABUSE PROFESSIONAL
3 PRACTICE ACT.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. INDEPENDENT STUDY DEFINITION CHANGES**

7 **SECTION 1.** G.S. 90-113.31A reads as rewritten:

8 "**§ 90-113.31A. Definitions.**

9 The following definitions shall apply in this Article:

10 ...

11 (18) Independent study. – Any course of Directed study undertaken by an
12 individual with little or no supervision that is does not include traditional
13 classroom-based study that must be preapproved by the Board or any
14 organization that has deemed status with the Board, or any online
15 course of study that does not include a network-enabled transfer of skills and
16 knowledge from teacher to student being performed at the same time.

17 ...

18 (27) Traditional classroom-based study. – An educational method of learning
19 involving face-to-face communication or other shared communication being
20 performed in either a shared physical setting or by audio conferencing
21 methods, video conferencing methods, or both."

22
23 **PART II. SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD**
24 **RESTRUCTURE**

25 **SECTION 2.(a)** G.S. 90-113.32(a) reads as rewritten:

26 "(a) The North Carolina Addictions Specialist Professional Practice Board is created as
27 the authority to credential substance abuse-use disorder professionals in North Carolina."

28 **SECTION 2.(b)** G.S. 90-113.32(c) is repealed.

29 **SECTION 2.(c)** G.S. 90-113.32(c1) reads as rewritten:

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

34 **SECTION 2.(d)** G.S. 90-113.32 is amended by adding a new subsection to read:

35 "(c2) The Board shall consist of nine members appointed as follows:



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- 1 (1) Three members appointed by the General Assembly, upon the
2 recommendation of the Speaker of the House of Representatives, each of
3 whom shall be licensed or certified in accordance with this Article. In making
4 the appointments, the Speaker shall consider the ethnicity and gender of the
5 Board's members in order to reflect the composition of the State's population
6 and shall consider the experience and knowledge of the drug and alcohol
7 recovery community when selecting members to serve on the Board.
- 8 (2) Three members appointed by the General Assembly, upon the
9 recommendation of the President Pro Tempore of the Senate, each of whom
10 shall be licensed or certified in accordance with this Article. In making the
11 appointments, the President Pro Tempore shall consider the ethnicity and
12 gender of the Board's members in order to reflect the composition of the State's
13 population and shall consider the experience and knowledge of the drug and
14 alcohol recovery community when selecting members to serve on the Board.
- 15 (3) Three members appointed by the Governor as follows:
16 a. Two members of the public who are not licensed or certified under this
17 Article.
18 b. One member who is licensed or certified under this Article, selected
19 from the allied mental health, substance use disorder and
20 developmental disabilities treatment and prevention profession,
21 previously known as deemed status professions.
- 22 (4) All members of the Board shall be residents of the State of North Carolina,
23 and except for the public members, shall be certified or licensed by the Board
24 under the provisions of this Article. Professional members of the Board must
25 be actively engaged in the practice of substance use disorder counseling or
26 prevention or in the education and training of students in substance use
27 disorder counseling, and have been for at least three years prior to their
28 appointment to the Board. Practice during the two years preceding the
29 appointment shall have occurred primarily in this State."

30 **SECTION 2.(d)** G.S. 90-113.32(d) is repealed.

31 **SECTION 2.(e)** G.S. 90-113.32(e) reads as rewritten:

32 "(e) Members of the Board shall serve for ~~four-year~~ three-year terms. No Board member
33 shall serve for more than two consecutive terms, but a person who has been a member for two
34 consecutive terms may be reappointed after being off the Board for a period of at least one year.
35 ~~When a vacancy occurs in an unexpired term, the Board shall, as soon as practicable, appoint~~
36 ~~temporary members to serve until the end of the unexpired terms. Time spent as a temporary~~
37 ~~member does not count in determining the limitation on consecutive terms."~~

38 **SECTION 2.(f)** G.S. 113.32 is amended by adding a new subsection to read:

39 "(e1) Initial members of the Board shall serve staggered terms. The members identified in
40 subdivision (1) of subsection (c2) of this section shall be appointed initially for a term of one
41 year. The members identified in subdivision (2) of subsection (c2) of this section shall be
42 appointed initially for a term of two years. The members identified in subdivision (3) of
43 subsection (c2) of this section shall be appointed initially for a term of three years.

44 At the end of their respective terms of office, their successors shall be appointed for terms of
45 three years, effective July 1. A vacancy occurring before the expiration of the term of office shall
46 be filled in the same manner as original appointments for the remainder of the term."

47 **SECTION 2.(g)** G.S. 113.32 is amended by adding a new subsection to read:

48 "(f1) A Board member may not receive compensation but may receive reimbursement as
49 provided in G.S. 93B-5. The officers of the Board include a chair, a secretary, and any other
50 officer deemed necessary by the Board to carry out the purposes of this Article. All officers shall
51 be elected annually by the Board at its first meeting held after appointments are made to the

1 Board. The Board shall hold a meeting within 45 days after the appointment of new Board
2 members. All officers shall serve one-year terms and shall serve until their successors are elected
3 and qualified. No person shall chair the Board for more than four consecutive years. The Board
4 may adopt rules governing the calling, holding, and conducting of regular and special meetings.
5 A majority of Board members constitutes a quorum."

6 **SECTION 2.(h)** This section becomes effective July 1, 2020.

7
8 **PART III. INCREASE IN NUMBER OF BOARD-APPROVED EDUCATION HOURS**
9 **REQUIRED FOR CERTIFICATION AS A SUBSTANCE ABUSE COUNSELOR,**
10 **SUBSTANCE ABUSE PREVENTION CONSULTANT, OR CRIMINAL JUSTICE**
11 **ADDICTIONS SPECIALIST, AND TERMINOLOGY MODIFICATION**

12 **SECTION 3.(a)** G.S. 90-113.40(a)(6) reads as rewritten:

13 "(6) The applicant has completed ~~270~~300 hours of Board-approved education. The
14 Board may prescribe that a certain number of hours be in a course of study for
15 substance ~~abuse-use disorder~~ counseling and that a certain number of hours be
16 in a course of study for substance abuse prevention consulting. Independent
17 study hours shall not compose more than fifty percent (50%) of the total
18 number of hours required for initial credentialing."

19 **SECTION 3.(b)** G.S. 90-113.40(d1)(1) reads as rewritten:

20 "(1) Has attained ~~270~~300 hours of Board-approved education or training, unless
21 the applicant has attained a minimum of a masters degree with a clinical
22 application and a substance ~~abuse-use disorder~~ specialty from a regionally
23 accredited college or university whereby the applicant must only obtain 180
24 hours. The hours of education shall be specifically related to the knowledge
25 and skills necessary to perform the tasks within the International Certification
26 and Reciprocity Consortium/Alcohol and Other Drug Abuse, Incorporated,
27 "IC&RC/AODA, Inc.," criminal justice addictions professional performance
28 domains as they relate to both adults and juveniles. Independent study may
29 compose up to fifty percent (50%) of the total number of hours obtained for
30 initial certification or renewal."

31 **SECTION 3.(c)** This section becomes effective October 1, 2019, and applies to
32 applications for licenses submitted on or after that date.

33
34 **PART IV. ESTABLISHMENT OF PROGRAM FOR IMPAIRED SUBSTANCE ABUSE**
35 **PROFESSIONALS**

36 **SECTION 4.** Article 5C of Chapter 90 of the General Statutes is amended by adding
37 a new section to read:

38 **"§ 90-113.48. Program for impaired substance use disorder professionals.**

39 (a) There is created the North Carolina Impaired Professionals Program. The Board may
40 provide funds for the administration of the Program, but the Program shall operate independently
41 of the Board. The purpose of the Program is to provide screening, referral, monitoring,
42 educational, and support services for professionals credentialed pursuant to this Article for
43 treatment and rehabilitation of an impairment attributed to a physical or mental illness, a
44 substance use disorder, or professional sexual misconduct.

45 (b) The Program may enter into an agreement with one or more professionals
46 credentialed pursuant to this Article for the purposes of identifying, reviewing, and evaluating
47 the ability of substance use disorder professionals who are referred or self-referred to the Program
48 to (i) function in their professional capacity and (ii) coordinate regimens for treatment and
49 rehabilitation.

50 (c) An agreement entered into between the Program and a credentialed professional
51 pursuant to subdivision (b) of this section shall include guidelines for all of the following:

- 1 (1) Enrollment of credentialed professionals referred to the Program by the Board.
2 (2) Assessment, referral, monitoring, support, and education of credentialed
3 professionals referred to the Program by reason of a physical or mental illness,
4 a substance use disorder, or professional sexual misconduct.
5 (3) Consistent with subsection (d) of this section, criteria for the Program to report
6 credentialed professionals to the Board.
7 (4) Procedures by which credentialed professionals may obtain review of
8 Program recommendations about the credentialed professional regarding
9 assessment or treatment.
10 (5) Periodic reporting of statistical information by the Program to the Board.
11 (6) Maintaining the confidentiality of nonpublic information.
12 (d) The Program shall report immediately to the Board detailed information about any
13 professional credentialed pursuant to this Article who meets any of the following criteria:
14 (1) Constitutes an imminent danger to patient care by reason of mental illness,
15 physical illness, substance use disorder, professional sexual misconduct, or
16 any other reason.
17 (2) Refuses to submit to an assessment as ordered by the Program.
18 (3) Has entered into a monitoring contract as a Program participant and fails to
19 comply with the terms of the monitoring contract.
20 (4) Is still unsafe to practice as a substance use disorder professional after
21 completing Program services.
22 (e) All documents, papers, letters, recordings, electronic records, or other documentary
23 materials in the possession of the Program or its staff, employees, legal counsel, and volunteers,
24 relating in any way to a member's participation or prospective participation in the Program,
25 including, but not limited to, any medical, counseling, substance abuse, or mental health records,
26 shall not be considered public records within the meaning of Chapter 132 of the General Statutes.
27 No person participating in good faith in the Program shall be required in a civil action or
28 proceeding to disclose the fact of participation in the Program or disclose any information
29 acquired or opinions, recommendations, or evaluations acquired or developed solely in the course
30 of participating in the Program pursuant to this section. For purposes of this subsection, "civil
31 action or proceeding" does not include an administrative action or proceeding conducted under
32 this Article or under Chapter 150B of the General Statutes.
33 (f) Activities conducted in good faith pursuant to the agreement authorized by subsection
34 (b) of this section shall not be grounds for civil action under the laws of this State.
35 (g) Upon the written request of a professional credentialed pursuant to this Article, the
36 Program shall provide the credentialed professional and his or her legal counsel with a copy of a
37 written assessment of the credentialed professional prepared as part of his or her participation in
38 the Program. In addition, to the extent permitted by State and federal laws, the credentialed
39 professional shall be entitled to a copy of any written assessment created by a treatment provider
40 or facility at the recommendation of the Program. Any information the Program furnishes to a
41 credentialed professional pursuant to this subsection shall be inadmissible in evidence and shall
42 not be subject to discovery in any civil action or proceeding; provided, however, that this
43 subsection shall not be construed to make information, documents, or records otherwise available
44 for discovery or use in a civil action or proceeding immune from discovery or use in the civil
45 action or proceeding merely because the information, documents, or records were included as
46 part of the Program's assessment of the credentialed professional or were the subject of
47 information furnished to the credentialed professional pursuant to this subsection. For purposes
48 of this subsection, "civil action or proceeding" does not include an administrative action or
49 proceeding conducted under this Article or Chapter 150B of the General Statutes.
50 (h) The Board shall adopt rules to apply to the operation of the Program, with provisions
51 for at least all of the following:

- (1) Definitions of impairments attributed to physical or mental illness, substance use disorder, and professional sexual misconduct.
- (2) Guidelines for Program elements.
- (3) Procedures for receipt and use of information of suspected impairment.
- (4) Procedures for intervention and referral.
- (5) Arrangements for monitoring treatment, rehabilitation, posttreatment support, and performance.
- (6) Reports of individual cases to the Board.
- (7) Periodic reporting of statistical information.
- (8) Assurance of confidentiality of nonpublic information."

PART V. TECHNICAL CHANGES TO THE CERTIFIED SUBSTANCE USE DISORDER PROFESSIONAL PRACTICE ACT

SECTION 5.(a) The title of Article 5C of Chapter 90 of the General Statutes reads as rewritten:

"Article 5C.

"North Carolina Substance ~~Abuse~~-Use Disorder Professional Practice Act."

SECTION 5.(b) G.S. 90-113.30 reads as rewritten:

"§ 90-113.30. Declaration of purpose.

The North Carolina ~~Substance Abuse Addictions Specialist~~ Professional Practice Board, established by G.S. 90-113.32, is recognized as the registering, certifying, and licensing authority for substance ~~abuse-use disorder~~ 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 credentialed substance ~~abuse-use disorder~~ professionals, to provide for the establishment of standards for the education of credentialed substance ~~abuse-use disorder~~ professionals, and to ensure the availability of credentialed substance ~~abuse-use disorder~~ 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-credentialed persons offering substance ~~abuse-use disorder~~ counseling services, substance ~~abuse-use disorder~~ prevention services, or any other substance ~~abuse-use disorder~~ services for which the Board may grant registration, certification, or licensure."

SECTION 5.(c) G.S. 90-113.31A reads as rewritten:

"§ 90-113.31A. Definitions.

The following definitions shall apply in this Article:

- (1) Applicant. – A person who has initiated a process to become a substance ~~abuse~~ use disorder professional pursuant to this Article.
- (2) Applicant supervisor. – A person who provides supervision as required by the Board to persons applying for registration, certification, or licensure as a substance ~~abuse-use disorder~~ professional pursuant to this Article.
- (3) Board. – The North Carolina ~~Substance Abuse Addictions Specialist~~ Professional Practice Board.
- ...
- (5) Certified criminal justice addictions professional. – A person certified by the Board to practice as a criminal justice addictions professional who, under supervision, provides direct services to clients or offenders exhibiting substance ~~abuse-use~~ disorders and works in a program determined by the Board to be involved in a criminal justice setting.
- (6) Certified ~~substance abuse~~ alcohol and drug counselor. – A person certified by the Board to practice under the supervision of a practice supervisor as a ~~substance abuse~~ alcohol and drug counselor in accordance with the provisions of this Article.

- 1 (7) Certified ~~substance abuse prevention consultant specialist.~~ – A person
2 certified by the Board to practice substance ~~abuse~~ use disorder prevention in
3 accordance with the provisions of this Article.
4 ...
- 5 (14) Criminal history. – A history of conviction of a State crime, whether a
6 misdemeanor or felony, that bears on an applicant's fitness for licensure to
7 practice substance ~~abuse~~ use disorder professional services. The crimes
8 include the criminal offenses set forth in any of the following Articles of
9 Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing
10 Monetary Substitutes; Article 5A, Endangering Executive and Legislative
11 Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses;
12 Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13,
13 Malicious Injury or Damage by Use of Explosive or Incendiary Device or
14 Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson
15 and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,
16 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,
17 Obtaining Property or Services by False or Fraudulent Use of Credit Device
18 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article
19 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality
20 and Decency; Article 26A, Adult Establishments; Article 27, Prostitution;
21 Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public
22 Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots,
23 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article
24 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,
25 Computer-Related Crime. The crimes also include possession or sale of drugs
26 in violation of the North Carolina Controlled Substances Act in Article 5 of
27 Chapter 90 of the General Statutes and alcohol-related offenses including sale
28 to underage persons in violation of G.S. 18B-302 or driving while impaired in
29 violation of G.S. 20-138.1 through G.S. 20-138.5.
- 30 (16) Dual relationship. – A relationship in addition to the professional relationship
31 with a person to whom the substance ~~abuse~~ use disorder professional delivers
32 services in the Twelve Core Functions or the performance domains, both as
33 defined in rules adopted by the Board, or as provided in a supervisory
34 capacity. These relationships may result in grounds for disciplinary action.
35 ...
- 36 (20) Practice supervisor. – A certified clinical supervisor, clinical supervisor
37 intern, or licensed clinical addictions specialist who provides oversight and
38 responsibility in a face-to-face capacity for each certified ~~substance abuse~~
39 alcohol and drug counselor or criminal justice addictions professional.
- 40 (21) Prevention. – The reduction, delay, or avoidance of alcohol and of other drug
41 use behavior. "~~Prevention~~" "Prevention" includes the promotion of positive
42 environments and individual strengths that contribute to personal health and
43 well-being over an entire life and the development of strategies that encourage
44 individuals, families, and communities to take part in assessing and changing
45 their lifestyles and environments.
46 ...
- 47 (24) Substance ~~abuse~~ use disorder counseling. – The assessment, evaluation, and
48 provision of counseling and therapeutic service to persons suffering from
49 substance ~~abuse~~ use disorder or dependency.
- 50 (25) ~~Substance abuse~~ Alcohol and drug counselor intern. – A registrant who
51 successfully completes 300 hours of Board-approved supervised practical

1 training in pursuit of credentialing as a ~~substance abuse~~ alcohol and drug
2 counselor.

- 3 (26) Substance ~~abuse-use disorder~~ professional. – A registrant, certified ~~substance~~
4 ~~abuse-alcohol and drug counselor~~, ~~substance abuse alcohol and drug~~ counselor
5 intern, certified ~~substance abuse prevention consultant, specialist~~, certified
6 clinical supervisor, licensed clinical addictions specialist associate, licensed
7 clinical addictions specialist, certified substance abuse residential facility
8 director, clinical supervisor intern, or certified criminal justice addictions
9 professional."

10 **SECTION 5.(d)** G.S. 90-113.31B reads as rewritten:

11 **"§ 90-113.31B. Scope of practice.**

12 The scope of practice is the use by all substance ~~abuse-use disorder~~ professionals and their
13 ongoing supervisees of principles, methods, and procedures of the Twelve Core Functions or
14 performance domains as prescribed by the International Certification and Reciprocity
15 Consortium/Alcohol and Other Drug Abuse, Incorporated, and as limited by individual credential
16 and supervisory requirements pursuant to this Article. Specifically, the scope of practice for each
17 individual defined as a substance ~~abuse-use disorder~~ professional under G.S. 90-113.31A is as
18 follows:

- 19 (1) The practice of a certified ~~substance abuse alcohol and drug~~ counselor consists
20 of the Twelve Core Functions, including screening, intake, orientation,
21 assessment, treatment planning, counseling, case management, crisis
22 intervention, client education, report and record keeping, consultation with
23 other professionals in regard to client treatment and services, and referral to
24 treat addictive disorder or disease and help prevent relapse.
25 (2) The practice of a certified ~~substance abuse prevention consultant specialist~~ is
26 based on knowledge in the performance domains to prevent or reduce the
27 conditions that place individuals at increased risk of developing addictive
28 disorder or disease and help prevent relapse.
29 (3) The practice of a certified clinical supervisor is based on knowledge in the
30 performance domains to supervise substance ~~abuse-use disorder~~ professionals
31 who work to treat, prevent, or reduce the conditions that place individuals at
32 risk of developing addictive disorder or disease and help prevent relapse.

33"

34 **SECTION 5.(e)** G.S. 90-113.33(9) reads as rewritten:

- 35 "(9) Adopt any rules necessary to carry out the purpose of this Article and its duties
36 and responsibilities pursuant to this Article, including rules related to the
37 approval of a substance ~~abuse-use disorder~~ specialty curricula developed by a
38 school, college, or university."

39 **SECTION 5.(f)** G.S. 90-113.34 reads as rewritten:

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

41 (a) The Board shall keep a regular record of its proceedings, together with the names of
42 the members of the Board present, the names of the applicants for registration, certification, and
43 licensure as well as other information relevant to its actions. The Board shall cause a record to
44 be kept that shall show the name, last known place of business, last known place of residence,
45 and date and number of the credential assigned to each substance ~~abuse-use disorder~~ professional
46 meeting the standards set forth in this Article. Any interested person in the State is entitled to
47 obtain a copy of Board records upon application to the Board and payment of a reasonable charge
48 that is based on the costs involved in providing the copy.

49 (b) The Board may in a closed session receive evidence regarding the provision of
50 substance ~~abuse-use disorder~~ counseling or other treatment and services provided to a client who
51 has not expressly or through implication consented to the public disclosure of such treatment as

1 may be necessary for the protection of the rights of the client or of the accused registrant or
2 substance ~~abuse-use disorder~~ professional and the full presentation of relevant evidence. All
3 records, papers, and other documents containing information collected and compiled by the
4 Board, its members, or employees as a result of investigations, inquiries, or interviews conducted
5 in connection with awarding a credential or a disciplinary matter shall not be considered public
6 records within the meaning of Chapter 132 of the General Statutes, except any notice or statement
7 of charges, or notice of hearing shall be a public record notwithstanding that it may contain
8 information collected and compiled as a result of an investigation, inquiry, or interview. If any
9 record, paper, or other document containing information collected and compiled by the Board as
10 provided in this subsection is received and admitted in evidence in any hearing before the Board,
11 it shall thereupon be a public record.

12 (c) Notwithstanding any provision to the contrary, the Board may, in any proceeding,
13 record of any hearing, and notice of charges, withhold from public disclosure the identity of a
14 client who has not expressly or through implication consented to such disclosure of treatment by
15 the accused substance ~~abuse-use disorder~~ professional."

16 **SECTION 5.(g)** G.S. 90-113.37A(b) reads as rewritten:

17 "(b) Renewal of licensure is subject to completion of at least 40 hours of the continuing
18 education requirements established by the Board. Renewal of ~~substance abuse-alcohol and drug~~
19 counselor or ~~substance abuse-prevention consultant-specialist~~ certification is subject to
20 completion of at least 60 hours of the continuing education requirements established by the
21 Board. A certified ~~substance abuse-alcohol and drug~~ counselor shall submit a Board-approved
22 supervision contract signed by the applicant and a practice supervisor documenting ongoing
23 supervision at a ratio of one hour of supervision to every 40 hours of practice after certification
24 is granted by the Board on a form provided by the Board. Any person certified by the Board as a
25 certified alcoholism counselor or certified ~~drug abuse-alcohol and drug~~ counselor shall become
26 a certified ~~substance abuse-alcohol and drug~~ counselor.

27 A clinical supervisor shall complete at least 15 hours of substance ~~abuse-use disorder~~ clinical
28 supervision training prior to the certificate being renewed. ~~A substance abuse residential facility~~
29 ~~director shall complete at least 10 hours of substance abuse training for renewal.~~ A certified
30 criminal justice addictions professional shall complete at least 40 hours of continuing education
31 that must be earned in the certified criminal justice addictions professional performance domains.
32 A certified criminal justice addictions professional shall submit a Board-approved supervision
33 contract signed by the criminal justice addictions professional and a practice supervisor
34 documenting ongoing supervision at a ratio of one hour of supervision to every 40 hours of
35 practice after certification is granted by the Board on a form provided by the Board."

36 **SECTION 5.(h)** G.S. 90-113.38 reads as rewritten:

37 "**§ 90-113.38. Maximums for certain fees.**

38 (a) The fee to obtain a certificate of certification as a ~~substance abuse-an alcohol and drug~~
39 counselor, ~~substance abuse-prevention consultant-specialist~~, clinical supervisor, substance abuse
40 residential facility director, or certified criminal justice addictions professional may not exceed
41 four hundred seventy-five dollars (\$475.00). The fee to renew a certificate may not exceed one
42 hundred fifty dollars (\$150.00).

43 ...

44 (f) In addition to any other prescribed fees, the Board shall charge a fee not to exceed
45 one hundred fifty dollars (\$150.00) for each administration of the test an applicant must pass to
46 be credentialed as a United States Department of Transportation substance ~~abuse-use disorder~~
47 professional."

48 **SECTION 5.(i)** G.S. 90-113.40 reads as rewritten:

49 "**§ 90-113.40. Requirements for certification and licensure.**

1 (a) The Board shall issue a certificate certifying an applicant as a "Certified ~~Substance~~
2 ~~Abuse Alcohol and Drug~~ Counselor" or as a "Certified ~~Substance Abuse Prevention Consultant~~
3 ~~Specialist~~" if:

4 ...

5 (8) The applicant for substance ~~abuse-use disorder~~ counselor has completed a total
6 of 6,000 hours of supervised experience in the field, whether paid or volunteer.
7 The applicant for ~~substance abuse prevention consultant specialist~~ has
8 completed a total of 6,000 hours supervised experience in the field, whether
9 paid or volunteer, or 4,000 hours if the applicant has at least a ~~bachelors~~
10 bachelor's degree in a human services field from a regionally accredited
11 college or university.

12 ...

13 (b) The Board shall issue a certificate certifying an individual as a "Certified Clinical
14 Supervisor" if the applicant:

15 ...

16 (3) Has 4,000 hours experience as a substance ~~abuse-use disorder~~ clinical
17 supervisor as documented by his or her certified clinical supervisor.

18 (4) Has 30 hours of substance ~~abuse-use disorder~~ clinical supervision specific
19 education or training. These hours shall be reflective of the Twelve Core
20 Functions in the applicant's clinical application and practice and may also be
21 counted toward the applicant's renewal as a ~~substance abuse~~ an alcohol and
22 drug counselor or a clinical addictions specialist.

23 ...

24 (c) The Board shall issue a license credentialing an applicant as a "Licensed Clinical
25 Addictions Specialist" if, in addition to meeting the requirements of subdivisions (a)(1) through
26 (5a) of this section, the applicant meets one of the following criteria:

27 (1) Criteria A. – The applicant:

28 ...

29 b. Has two years postgraduate supervised substance ~~abuse-use disorder~~
30 counseling experience.

31 c. Submits three letters of reference from licensed clinical addictions
32 specialists or certified ~~substance abuse alcohol and drug~~ counselors
33 who have obtained master's degrees.

34 ...

35 e. Has attained 180 hours of substance ~~abuse-use disorder~~ specific
36 training from either a regionally accredited college or university,
37 which may include unlimited independent study, or from training
38 events of which no more than fifty percent (50%) shall be in
39 independent study. All hours shall be credited according to the
40 standards set forth in G.S. 90-113.41A.

41 ...

42 (2) Criteria B. – The applicant:

43 ...

44 e. Submits three letters of reference from either licensed clinical
45 addictions specialists or certified ~~substance abuse alcohol and drug~~
46 counselors who have obtained master's degrees.

47 (3) Criteria C. – The applicant:

48 a. Has a minimum of a master's degree in a human services field with
49 both a clinical application and a substance ~~abuse-use disorder~~ specialty
50 from a regionally accredited college or university that includes 180

- 1 hours of substance ~~abuse~~-use disorder specific education and training
- 2 pursuant to G.S. 90-113.41A.
- 3 b. Has one year of postgraduate supervised substance ~~abuse~~-use disorder
- 4 counseling experience.
- 5 ...
- 6 d. Submits three letters of reference from licensed clinical addictions
- 7 specialists or certified ~~substance abuse~~-alcohol and drug counselors
- 8 who have obtained master's degrees.
- 9 (4) Criteria D. – The applicant has a substance ~~abuse~~-use disorder certification
- 10 from a professional discipline that has been granted deemed status by the
- 11 Board.
- 12 (d) ~~The Board shall issue a certificate certifying an applicant as a "Substance Abuse~~
- 13 ~~Residential Facility Director" if the applicant:~~
- 14 (1) ~~Has been credentialed as a substance abuse counselor or a clinical addictions~~
- 15 ~~specialist.~~
- 16 (2) ~~Has 50 hours of Board approved academic or didactic management specific~~
- 17 ~~training or a combination thereof. Independent study may compose up to fifty~~
- 18 ~~percent (50%) of the total number of hours required for initial credentialing.~~
- 19 (3) ~~Submits letters of reference from the applicant's current supervisor and a~~
- 20 ~~colleague or coworker.~~
- 21 (d1) The Board shall issue a certificate certifying an applicant as a "Certified Criminal
- 22 Justice Addictions Professional", with the acronym "CCJP", if in addition to meeting the
- 23 requirements of subdivisions (a)(1) through (5a) of this section, the applicant:
- 24 ...
- 25 (3) Has provided documentation of supervised work experience providing direct
- 26 service to clients or offenders involved in one of the three branches of the
- 27 criminal justice system, which include law enforcement, the judiciary, and
- 28 corrections. The applicant must meet one of the following criteria:
- 29 ...
- 30 e. Criteria E. – In addition to having at least a masters degree in a human
- 31 services field with a specialty from a regionally accredited college or
- 32 university that includes 180 hours of substance ~~abuse~~-use disorder
- 33 specific education or training, the applicant has a minimum of 2,000
- 34 hours of postgraduate supervised substance ~~abuse~~-use disorder
- 35 counseling experience.
- 36 ...
- 37 (f) Effective January 1, 2003, only a person who is certified as a certified clinical
- 38 supervisor or a clinical supervisor intern shall be qualified to supervise applicants for certified
- 39 clinical supervisor and certified ~~substance abuse~~-alcohol and drug counselor and applicants for
- 40 licensed clinical addictions specialist who meet the qualifications of their credential other than
- 41 through deemed status as provided in G.S. 90-113.40(c)(4)."

SECTION 5.(j) G.S. 90-113.40B reads as rewritten:

"§ 90-113.40B. Applicant supervision.

The Board shall designate a person as an applicant supervisor of individuals applying for registration, certification, or licensure as a substance ~~abuse~~-use disorder professional as follows:

- 46 ...
- 47 (2) A certified clinical supervisor or a clinical supervisor intern shall supervise a
- 48 ~~substance abuse residential facility director applicant,~~ a clinical addictions
- 49 specialist applicant, or a ~~substance abuse~~-an alcohol and drug counselor
- 50 applicant.
- 51 ...

- (4) A certified ~~substance abuse prevention consultant specialist~~ 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 specialist~~.

...."

SECTION 5.(k) G.S. 90-113.41A reads as rewritten:

"§ 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~~-use disorder credentialing 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~~-use disorder 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~~-use disorder specific education and training that covers the following content areas:
...
- (3) The program requires one year or its equivalent of post-degree supervised clinical substance ~~abuse~~-use disorder practice. At least fifty percent (50%) of the practice shall consist of direct substance ~~abuse~~-use disorder clinical care.

...."

SECTION 5.(l) G.S. 90-113.42 reads as rewritten:

"§ 90-113.42. Violations; exemptions.

(a) It shall be unlawful for any person not licensed or otherwise credentialed as a substance ~~abuse~~-use disorder professional pursuant to this Article to engage in those activities set forth in the scope of practice of a substance ~~abuse~~-use disorder professional under G.S. 90-113.31B, unless that person is regulated by another profession or is a registrant or intern as defined by this Article.

(b) It is not the intent of this Article to regulate members of other regulated professions who provide substance ~~abuse~~-use disorder services or consultation in the normal course of the practice of their profession.

(c) This Article does not apply to any person registered, certified, or licensed by the State or federal government to practice any other occupation or profession while rendering substance ~~abuse~~-use disorder services or consultation in the performance of the occupation or profession for which the person is registered, certified, or licensed.

(d) Only individuals registered, certified, or licensed under this Article may use the title "Certified ~~Substance Abuse Alcohol and Drug Counselor~~", "Certified ~~Substance Abuse Prevention Consultant~~, ~~Specialist~~", "Certified Clinical Supervisor", "Licensed Clinical Addictions Specialist Associate", "Certified Substance Abuse Residential Facility Director", "Certified Criminal Justice Addictions Professional", "~~Substance Abuse~~-Alcohol and Drug Counselor Intern", "Provisional Licensed Clinical Addictions Specialist", "Clinical Supervisor Intern", or "Registrant".

SECTION 5.(m) G.S. 90-113.43(a) reads as rewritten:

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

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

- (1) Offer substance ~~abuse~~-use disorder professional services, practice, attempt to practice, or supervise while holding himself or herself out to be a certified ~~substance abuse alcohol and drug counselor~~, certified ~~substance abuse prevention consultant specialist~~, certified clinical supervisor, licensed clinical

addictions specialist, licensed clinical addictions specialist associate, certified substance abuse residential facility director, certified criminal justice addictions professional, clinical supervisor intern, ~~substance abuse alcohol and drug~~ counselor intern, or registrant without first having obtained a notification of registration, certification, or licensure from the Board.

(2) Use in connection with any name any letters, words, numerical codes, or insignia indicating or implying that this person is a registrant, certified ~~substance abuse alcohol and drug~~ counselor, certified ~~substance abuse prevention consultant, specialist,~~ certified clinical supervisor, licensed clinical addictions specialist, certified substance abuse residential facility director, ~~substance abuse alcohol and drug~~ counselor intern, certified criminal justice addictions professional, or licensed clinical addictions specialist associate, unless this person is registered, certified, or licensed pursuant to this Article.

(3) Practice or attempt to practice as a certified ~~substance abuse alcohol and drug~~ counselor, certified ~~substance abuse prevention consultant, specialist,~~ certified clinical supervisor, licensed clinical addictions specialist, certified criminal justice addictions professional, ~~substance abuse alcohol and drug~~ counselor intern, licensed clinical addictions specialist associate, clinical supervisor intern, certified substance abuse residential facility director or registrant with a revoked, lapsed, or suspended certification or license.

(4) Aid, abet, or assist any person to practice as a certified ~~substance abuse alcohol and drug~~ counselor, certified ~~substance abuse prevention consultant, specialist,~~ certified criminal justice addictions professional, certified clinical supervisor, licensed clinical addictions specialist, certified substance abuse residential facility director, registrant, ~~substance abuse alcohol and drug~~ counselor intern, licensed clinical addictions specialist associate, or clinical supervisor intern in violation of this Article.

(5) Knowingly serve in a position required by State law or rule or federal law or regulation to be filled by a registrant, certified ~~substance abuse alcohol and drug~~ counselor, certified ~~substance abuse prevention consultant, specialist,~~ certified criminal justice addictions professional, certified clinical supervisor, licensed clinical addictions specialist, certified substance abuse residential facility director, ~~substance abuse alcohol and drug~~ counselor intern, licensed clinical addictions specialist associate, or clinical supervisor intern unless that person is registered, certified, or licensed under this Article.

...."

SECTION 5.(n) G.S. 90-113.44 reads as rewritten:

"§ 90-113.44. Grounds for disciplinary action.

(a) Grounds for disciplinary action for an applicant or credentialed professional include:

(1) The employment of fraud, deceit, or misrepresentation in obtaining or attempting to obtain licensure, certification, or registration or renewal of licensure, certification, or registration.

(2) The use of drugs or alcoholic beverages to the extent that professional competency is affected.

(2a) The use of drugs or alcoholic beverages to the extent that a substance ~~abuse~~ use disorder professional suffers impairment.

(3) Conviction of an offense under any municipal, State, or federal law other than traffic laws as prescribed by Chapter 20 of the General Statutes.

(4) Conviction of a felony or other public offense involving moral turpitude. Conviction of a Class A-E felony shall result in an immediate suspension of licensure, certification, or registration for a minimum of one year.

- 1 (5) An adjudication of insanity or incompetency, until proof of recovery from this
2 condition can be established by a licensed psychologist or psychiatrist.
- 3 (6) Engaging in any act or practice in violation of any of the provisions of this
4 Article or any of the rules adopted pursuant to it, or aiding, abetting, or
5 assisting any other person in such a violation.
- 6 (7) The commission of an act of malpractice, gross negligence, or incompetence
7 while serving as a substance ~~abuse-use disorder~~ professional, intern, or
8 registrant.
- 9 (8) Repealed by Session Laws 2005-431, s. 1, effective September 22, 2005.
- 10 (9) Engaging in conduct that could result in harm or injury to the public.
- 11 (10) Entering into a dual relationship that impairs professional judgment or
12 increases the risk of exploitation with a client or supervisee.
- 13 (11) Practicing as a credentialed substance ~~abuse-use disorder~~ professional outside
14 of his or her scope of practice pursuant to G.S. 90-113.31B.

15 (b) Denial of an applicant's licensure, certification, or registration or the granting of
16 licensure, certification, or registration on a probationary or other conditional status shall be
17 subject to substantially the same rules and procedures prescribed by the Board for review and
18 disciplinary actions against any person holding a license, certificate, or registration. A suspension
19 of a credential resulting from impairment due to substance use, mental health, or medical disorder
20 shall be imposed for at least six months beginning from the date of successful discharge from a
21 residential substance ~~abuse-use disorder~~ treatment program or other appropriate treatment
22 modality determined as a result of an assessment by a Board-approved assessor. Disciplinary
23 actions involving a clinical addictions specialist whose licensure is achieved through deemed
24 status shall be initially heard by the specialist's credentialing body. The specialist may appeal the
25 body's decision to the Board. The Board shall, however, have the discretionary authority to hear
26 the initial disciplinary action involving a credentialed professional."

27 **SECTION 5.(o)** G.S. 90-113.46 reads as rewritten:

28 "**§ 90-113.46. Application of requirements of Article.**

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

33
34 **PART VI. DISCONTINUE CERTIFIED SUBSTANCE ABUSE RESIDENTIAL**
35 **FACILITY DIRECTOR CREDENTIALING**

36 **SECTION 6.(a)** The certified substance abuse residential facility director credential
37 is discontinued. The North Carolina Substance Abuse Professional Practice Board shall no longer
38 issue or renew a certified substance abuse residential facility director credential to any person.

39 **SECTION 6.(b)** G.S. 90-113.31A(8) is repealed.

40 **SECTION 6.(c)** G.S. 90-113.31A(26), as amended by Section 5 of this act, reads as
41 rewritten:

42 "(26) Substance use disorder professional. – A registrant, certified alcohol and drug
43 counselor, alcohol and drug counselor intern, certified prevention specialist,
44 certified clinical supervisor, licensed clinical addictions specialist associate,
45 licensed clinical addictions specialist, ~~certified substance abuse residential~~
46 ~~facility director~~, clinical supervisor intern, or certified criminal justice
47 addictions professional."

48 **SECTION 6.(d)** G.S. 90-113.31B(5) is repealed.

49 **SECTION 6.(e)** G.S. 90-113.38(a), as amended by Section 5 of this act, reads as
50 rewritten:

51 "**§ 90-113.38. Maximums for certain fees.**

1 (a) The fee to obtain a certificate of certification as an alcohol and drug counselor,
2 prevention specialist, clinical supervisor, ~~substance abuse residential facility director~~, or certified
3 criminal justice addictions professional may not exceed four hundred seventy-five dollars
4 (\$475.00). The fee to renew a certificate may not exceed one hundred fifty dollars (\$150.00)."

5 **SECTION 6.(f)** G.S. 90-113.42(d), as amended by Section 5 of this act, reads as
6 rewritten:

7 "(d) Only individuals registered, certified, or licensed under this Article may use the title
8 "Certified Alcohol and Drug Counselor", "Certified Prevention Specialist", "Certified Clinical
9 Supervisor", "Licensed Clinical Addictions Specialist Associate", "~~Certified Substance Abuse
10 Residential Facility Director~~", "Certified Criminal Justice Addictions Professional", "Alcohol
11 and Drug Counselor Intern", "Provisional Licensed Clinical Addictions Specialist", "Clinical
12 Supervisor Intern", or "Registrant"."

13 **SECTION 6.(g)** G.S. 90-113.43(a), as amended by Section 5 of this act, reads as
14 rewritten:

15 **"§ 90-113.43. Illegal practice; misdemeanor penalty.**

16 (a) Except as otherwise authorized in this Article, no person shall:

- 17 (1) Offer substance use disorder professional services, practice, attempt to
18 practice, or supervise while holding himself or herself out to be a certified
19 alcohol and drug counselor, certified prevention specialist, certified clinical
20 supervisor, licensed clinical addictions specialist, licensed clinical addictions
21 specialist associate, ~~certified substance abuse residential facility director~~,
22 certified criminal justice addictions professional, clinical supervisor intern,
23 alcohol and drug counselor intern, or registrant without first having obtained
24 a notification of registration, certification, or licensure from the Board.
- 25 (2) Use in connection with any name any letters, words, numerical codes, or
26 insignia indicating or implying that this person is a registrant, certified alcohol
27 and drug counselor, certified prevention specialist, certified clinical
28 supervisor, licensed clinical addictions specialist, ~~certified substance abuse
29 residential facility director~~, ~~substance abuse~~ alcohol and drug counselor intern,
30 certified criminal justice addictions professional, or licensed clinical
31 addictions specialist associate, unless this person is registered, certified, or
32 licensed pursuant to this Article.
- 33 (3) Practice or attempt to practice as a certified alcohol and drug counselor,
34 certified prevention specialist, certified clinical supervisor, licensed clinical
35 addictions specialist, certified criminal justice addictions professional, alcohol
36 and drug counselor intern, licensed clinical addictions specialist associate,
37 clinical supervisor intern, ~~certified substance abuse residential facility director~~
38 or registrant with a revoked, lapsed, or suspended certification or license.
- 39 (4) Aid, abet, or assist any person to practice as a certified alcohol and drug
40 counselor, certified prevention specialist, certified criminal justice addictions
41 professional, certified clinical supervisor, licensed clinical addictions
42 specialist, ~~certified substance abuse residential facility director~~, registrant,
43 alcohol and drug counselor intern, licensed clinical addictions specialist
44 associate, or clinical supervisor intern in violation of this Article.
- 45 (5) Knowingly serve in a position required by State law or rule or federal law or
46 regulation to be filled by a registrant, certified alcohol and drug counselor,
47 certified prevention specialist, certified criminal justice addictions
48 professional, certified clinical supervisor, licensed clinical addictions
49 specialist, ~~certified substance abuse residential facility director~~, alcohol and
50 drug counselor intern, licensed clinical addictions specialist associate, or

1 clinical supervisor intern unless that person is registered, certified, or licensed
2 under this Article.

3"

4 **SECTION 6.(h)** Subsection (a) of this section is effective July 1, 2019. The
5 remaining subsections of this section become effective upon the expiration of the last certified
6 substance abuse residential facility director credential issued prior to the effective date of this act
7 by the North Carolina Substance Abuse Professional Practice Board. The North Carolina
8 Substance Abuse Professional Practice Board shall notify the Revisor of Statutes when the last
9 credential issued by the Board has expired.

10
11 **PART VII. EFFECTIVE DATE**

12 **SECTION 7.** Except as otherwise provided, this act becomes effective October 1,
13 2019, and applies to licenses granted or renewed on or after that date.