

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 1062

Short Title: Substance Abuse Professionals.

(Public)

Sponsors: Senator Metcalf.

Referred to: Health Care.

April 5, 2001

A BILL TO BE ENTITLED

1
2 AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE
3 PROFESSIONAL CERTIFICATION ACT AND AUTHORIZING THE NORTH
4 CAROLINA SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD
5 TO REGULATE THE PROVISION OF SUBSTANCE ABUSE SERVICES BY
6 REGISTRANTS AND TO INCREASE FEES.

7 The General Assembly of North Carolina enacts:

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

9 **"§ 90-113.31. Definitions.**

10 The following definitions shall apply in this Article:

11 (1) Approved supervisor. – A person who provides supervision as required
12 by the Board to persons applying for registration or certification as a
13 substance abuse professional pursuant to this Article.

14 ~~(1a)~~(1a) Board. – The North Carolina Substance Abuse Professional
15 Certification Board.

16 ~~(1a)~~(1b) Certified clinical addictions specialist. – A person certified by the
17 Board to practice as a clinical addictions specialist in accordance with
18 the provisions of this Article.

19 ~~(1b)~~(1c) Certified clinical supervisor. – A person certified by the Board to
20 practice as a clinical supervisor in accordance with the provisions of
21 this Article.

22 ~~(1e)~~(1d) Certified residential facility director. – A person certified by the
23 Board to practice as a residential facility director in accordance with
24 the provisions of this Article.

25 (2) Certified substance abuse counselor. – A person certified by the Board
26 to practice as a substance abuse counselor in accordance with the
27 provisions of this Article.

28 (3) Repealed by S.L. 1997-492, s. 2.

- 1 (3a) Certified substance abuse prevention consultant. – A person certified
2 by the Board to practice substance abuse prevention in accordance
3 with the provisions of this Article.
- 4 (4) Clinical supervisor intern. – A person designated by the Board to
5 practice as a clinical supervisor intern for a period not to exceed three
6 years without a showing of good cause in accordance with the
7 provisions of this Article.
- 8 (4a) Credentialing body. – A board that licenses, certifies, or regulates a
9 profession or practice.
- 10 (4b) Deemed status. – Recognition by the Board of the credentials offered
11 by a professional discipline whereby the individuals certified, licensed,
12 or otherwise recognized by the discipline as having met the standards
13 of a substance abuse specialist may apply individually for certification
14 as a certified clinical addictions specialist.
- 15 (4c) Human services field. – An area of study that focuses on the
16 biological, psychological, and social aspects of human beings.
- 17 (4d) Repealed by Session Laws 1999-164, s. 1.
- 18 (5) Prevention. – The reduction, delay, or avoidance of alcohol and of
19 other drug use behavior. "Prevention" includes the promotion of
20 positive environments and individual strengths that contribute to
21 personal health and well-being over an entire life and the development
22 of strategies that encourage individuals, families, and communities to
23 take part in assessing and changing their lifestyle and environments.
- 24 (6) Professional discipline. – A field of study characterized by the
25 technical, educational, and ethical standards of a profession.
- 26 (6a) Registrant. – A person who has initiated a certification process to
27 become a certified substance abuse counselor or a certified clinical
28 addictions specialist pursuant to this Article and is authorized to
29 provide DWI assessments pursuant to G.S. 122C-142.1.
- 30 (7) Substance abuse counseling. – The assessment, evaluation, and
31 provision of counseling to persons suffering from substance, drug, or
32 alcohol abuse or dependency.
- 33 (7a) Substance abuse counselor intern. – A person who successfully
34 completes 300 hours of Board approved supervised practical training
35 and a written examination in pursuit of certification as a substance
36 abuse counselor.
- 37 (8) Substance abuse professional. – A certified substance abuse counselor,
38 certified substance abuse prevention consultant, certified clinical
39 supervisor, certified clinical addictions specialist, or certified
40 residential facility director."

41 **SECTION 2.** G.S. 90-113.33(2) reads as rewritten:

42 "The Board shall:

43 ...

1 (2) Issue, renew, deny, suspend, or revoke certification or registration to
2 practice in this State or reprimand or otherwise discipline certificate or
3 registration holders in this State. Denial of an applicant's certification
4 or registration or the granting of certification or registration on a
5 probationary or other conditional status shall be subject to substantially
6 the same rules and procedures prescribed by the Board for review and
7 disciplinary actions against those persons holding
8 ~~certificates~~ certificates or registrations. Disciplinary actions involving
9 a clinical addictions specialist whose certification is achieved through
10 deemed status shall be initially heard by the specialist's credentialing
11 body. The specialist may appeal the body's decision to the Board. The
12 Board shall, however, have the authority to hear the initial disciplinary
13 action involving a clinical addictions specialist."

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

15 "The Board shall:

16 ...

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

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

21 "**§ 90-113.38. Maximums for certain fees.**

22 (a) The fee to obtain a certificate of certification as a substance abuse counselor,
23 substance abuse prevention consultant, clinical supervisor, or residential facility director
24 may not exceed ~~three hundred twenty five dollars (\$325.00),~~ four hundred seventy-five
25 dollars (\$475.00). The fee to renew a certificate may not exceed ~~one hundred dollars~~
26 ~~(\$100.00),~~ one hundred fifty dollars (\$150.00).

27 (b) The fee to obtain a certificate of certification for a clinical addictions
28 specialist pursuant to deemed status may not exceed ~~one hundred dollars (\$100.00),~~ one
29 hundred fifty dollars (\$150.00). The fee to renew a certificate may not exceed ~~fifty~~
30 ~~dollars (\$50.00),~~ one hundred dollars (\$100.00). The fee to obtain a certificate of
31 certification for a clinical addictions specialist pursuant to all other procedures
32 authorized by this Article may not exceed ~~three hundred twenty five dollars~~
33 ~~(\$325.00),~~ four hundred seventy-five dollars (\$475.00). The fee to renew the certificate
34 may not exceed ~~one hundred dollars (\$100.00),~~ one hundred fifty dollars (\$150.00).

35 (b1) The fee to obtain a registration as a registrant shall be one hundred fifty
36 dollars (\$150.00). The fee to renew a registration shall be one hundred fifty dollars
37 (\$150.00).

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

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

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

1 **"§ 90-113.40A. Requirements for registration.**

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

4 (1) Provides documentation that he or she has received a high school
5 diploma, or the equivalent, and evidence of any baccalaureate or
6 advanced degrees the applicant has received.

7 (2) Completes a registration application on a form provided by the Board.

8 (3) Provides documentation of three hours of educational training in
9 ethics.

10 (4) Signs a form attesting to the applicant's commitment to adhere to the
11 ethical standards adopted by the Board.

12 (5) Signs a supervision contract provided by the Board that documents the
13 proposed supervision process by an approved supervisor.

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

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

23 **"§ 90-113.40B. Approved supervision.**

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

26 (1) A certified clinical supervisor shall supervise a clinical supervisor
27 intern.

28 (2) A certified clinical supervisor or a clinical supervisor intern shall
29 supervise a residential facility director applicant, a clinical addictions
30 specialist applicant, or a substance abuse counselor applicant.

31 (3) A certified clinical supervisor, a clinical supervisor intern, a certified
32 clinical addictions specialist, or a certified substance abuse counselor
33 shall supervise a registrant who provides DWI assessments.

34 (4) A certified prevention consultant with a minimum of three years of
35 professional experience, a certified clinical supervisor, or a clinical
36 supervisor intern shall supervise a registrant applying for certification
37 as a prevention consultant.

38 (5) Pursuant to the deemed status procedure under G.S. 90-113.41A, the
39 supervision requirements described in subdivisions (1) through (4) of
40 this section shall not apply to persons applying for certification as a
41 certified clinical addictions specialist."

42 **SECTION 7.** G.S. 90-113.44 reads as rewritten:

43 **"§ 90-113.44. Grounds for disciplinary action.**

44 Grounds for disciplinary action include:

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

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

31 **"§ 90-113.41B. Change of name or address.**

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

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

36 "(b) Assessments. – To conduct a substance abuse assessment, a facility shall give
37 a client a standardized test approved by the Department to determine chemical
38 dependency and shall conduct a clinical interview with the client. Based on the
39 assessment, the facility shall recommend that the client either attend an alcohol and drug
40 education traffic (ADET) school or obtain treatment. A recommendation shall be
41 reviewed and signed by a certified alcoholism, drug abuse, or substance abuse
42 counselor, as defined by the Commission, a Certified Substance Abuse Counselor, or by
43 a physician certified by the American Society of Addiction Medicine (ASAM). The
44 signature on the recommendation shall be the personal signature of the individual

1 authorized to review the recommendation and not the signature of his or her agent. The
2 signature shall reflect that the authorized individual has personally reviewed the
3 recommendation and, with full knowledge of the contents of the recommendation,
4 approved of the recommended treatment."

5 **SECTION 10.** This act becomes effective April 1, 2002.