

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 615

Short Title: Amend Substance Abuse Professional Pract. Act. (Public)

Sponsors: Representatives Malone and S. Martin (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Judiciary III

April 10, 2017

A BILL TO BE ENTITLED

AN ACT AMENDING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE ACT BY REPEALING THE CERTIFIED SUBSTANCE ABUSE RESIDENTIAL FACILITY DIRECTOR CREDENTIAL; CLARIFYING WHAT CONSTITUTES INDEPENDENT STUDY; MODIFYING THE MEMBERSHIP OF THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD; INCREASING THE NUMBER OF BOARD-APPROVED EDUCATION HOURS REQUIRED FOR CERTIFICATION AS A SUBSTANCE ABUSE COUNSELOR, SUBSTANCE ABUSE PREVENTION CONSULTANT, OR CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL; AND ESTABLISHING A PROGRAM FOR IMPAIRED SUBSTANCE ABUSE PROFESSIONALS.

The General Assembly of North Carolina enacts:

PART I. REPEAL OF CERTIFIED SUBSTANCE ABUSE RESIDENTIAL FACILITY DIRECTOR CREDENTIAL

SECTION 1.(a) The certified substance abuse residential facility director credential is repealed. The North Carolina Substance Abuse Professional Practice Board shall no longer issue or renew a certified substance abuse residential facility director credential to any person.

SECTION 1.(b) G.S. 90-113.31A(8) and G.S. 90-113.31B are repealed.

SECTION 1.(c) G.S. 90-113.42(d) reads as rewritten:

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

SECTION 1.(d) G.S. 90-113.43(a) reads as rewritten:

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

- (1) Offer substance abuse professional services, practice, attempt to practice, or supervise while holding himself or herself out to be a certified substance abuse counselor, certified substance abuse prevention consultant, 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



1 intern, substance abuse counselor intern, or registrant without first having
 2 obtained a notification of registration, certification, or licensure from the
 3 Board.

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

12 (3) Practice or attempt to practice as a certified substance abuse counselor,
 13 certified substance abuse prevention consultant, certified clinical supervisor,
 14 licensed clinical addictions specialist, certified criminal justice addictions
 15 professional, substance abuse counselor intern, licensed clinical addictions
 16 specialist associate, clinical supervisor intern, ~~certified substance abuse~~
 17 ~~residential facility director~~ or registrant with a revoked, lapsed, or suspended
 18 certification or license.

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

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

33 (6) Repealed by S.L. 1997-492, s. 13.

34 (7) Repealed by Session Laws 2008-130, s. 6, effective July 28, 2008."

35 **SECTION 1.(e)** Subsection (a) of this section is effective when this act becomes
 36 law. The remaining subsections of this section become effective upon the expiration of the last
 37 certified substance abuse residential facility director credential issued prior to the effective date
 38 of this act by the North Carolina Substance Abuse Professional Practice Board. The North
 39 Carolina Substance Abuse Professional Practice Board shall notify the Revisor of Statutes
 40 when the last credential issued by the Board has expired.

41 **PART II. CLARIFICATION OF WHAT CONSTITUTES INDEPENDENT STUDY**

42 **SECTION 2.** G.S. 90-113.31A reads as rewritten:

43 **"§ 90-113.31A. Definitions.**

44 The following definitions ~~shall~~ apply in this Article:

45 ...
 46
 47 (18) Independent study. – ~~Any course of~~ Directed study undertaken by an
 48 individual with little or no supervision that is does not include traditional
 49 classroom-based study that must be preapproved by the Board or any
 50 organization that has deemed status with the ~~Board~~ Board, or any online

1 course of study that does not include a network-enabled transfer of skills and
 2 knowledge from teacher to student being performed at the same time.

3 ...

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

8
 9 **PART III. MODIFICATION OF NORTH CAROLINA SUBSTANCE ABUSE**
 10 **PROFESSIONAL PRACTICE BOARD MEMBERSHIP**

11 **SECTION 3.(a)** G.S. 90-113.32(c) reads as rewritten:

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

- 15 (1) Eleven professionals credentialed pursuant to this Article and elected by the
 16 credentialed professionals, at least two of whom shall serve each of the four
 17 Division of Mental Health, Developmental Disabilities, and Substance
 18 Abuse Services regions of the State. Three members shall serve as members
 19 at large.
- 20 ~~(2) Three members at large chosen from laypersons or other professional~~
 21 ~~disciplines who have shown a special interest in the field of substance abuse,~~
 22 ~~nominated by the Nominating and Elections Committee established by~~
 23 ~~subsection (d) of this section and elected by the Board.~~
- 24 (3) Two members from the Department of Health and Human Services,
 25 appointed by the Chief of Community Policy Management of the Division of
 26 Mental Health, Developmental Disabilities, and Substance Abuse Services,
 27 at least one of whom administers substance abuse services.
- 28 (4) ~~One member~~ Two members of the public at large with personal interest in, or
 29 experience with, substance use disorder recovery modalities, substance use
 30 disorder prevention modalities, or both, appointed by the
 31 ~~Governor.~~ Governor.
- 32 (5) ~~One member of the public at large~~ Two professionals credentialed pursuant
 33 to this Article and appointed by the General Assembly upon the
 34 recommendation of the Speaker of the House of Representatives in
 35 accordance with G.S. 120-121 and ~~one member of the public at large~~ two
 36 professionals credentialed pursuant to this Article and appointed by the
 37 General Assembly upon the recommendation of the President Pro Tempore
 38 of the Senate in accordance with G.S. 120-121.
- 39 (6) One member shall represent each of the professional disciplines granted
 40 deemed status under G.S. 90-113.41A. The member may be appointed by
 41 the professional discipline on or before a date set by the Board. If the
 42 professional discipline has at least one association in the State, the member
 43 shall be chosen from a list of nominees submitted to the association. The
 44 members appointed or elected under this subdivision shall be certified as
 45 substance abuse specialists by the professional discipline that the members
 46 represent.

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

48 **SECTION 3.(b)** Notwithstanding G.S. 90-113.32(e), the terms of current members
 49 appointed to the North Carolina Substance Abuse Professional Practice Board pursuant to
 50 G.S. 90-113.32(c)(2) expire on December 31, 2017. The terms of members appointed to the

1 North Carolina Substance Abuse Professional Practice Board pursuant to G.S. 90-113.32(c)(4)
2 and G.S. 90-113.32(c)(5), as amended by this act, commence on January 1, 2018.

3
4 **PART IV. INCREASE IN NUMBER OF BOARD-APPROVED EDUCATION HOURS**
5 **REQUIRED FOR CERTIFICATION AS A SUBSTANCE ABUSE COUNSELOR,**
6 **SUBSTANCE ABUSE PREVENTION CONSULTANT, OR CRIMINAL JUSTICE**
7 **ADDICTIONS PROFESSIONAL**

8 **SECTION 4.** G.S. 90-113.40(a)(6) reads as rewritten:

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

15 **SECTION 5.** G.S. 90-113.40(d1)(1) reads as rewritten:

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

27
28 **PART V. ESTABLISHMENT OF PROGRAM FOR IMPAIRED SUBSTANCE ABUSE**
29 **PROFESSIONALS**

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

32 **"§ 90-113.48. Program for impaired substance abuse professionals.**

33 (a) There is created the North Carolina Impaired Professionals Program. The Board
34 may provide funds for the administration of the Program, but the Program shall operate
35 independently of the Board. The purpose of the Program is to provide screening, referral,
36 monitoring, educational, and support services for professionals credentialed pursuant to this
37 Article by reason of an impairment attributed to a physical or mental illness, a substance use
38 disorder, or professional sexual misconduct.

39 (b) The Program may enter into an agreement with one or more professionals
40 credentialed pursuant to this Article for the purposes of identifying, reviewing, and evaluating
41 the ability of substance abuse professionals who are referred or self-referred to the Program to
42 (i) function in their professional capacity and (ii) coordinate regimens for treatment and
43 rehabilitation.

44 (c) An agreement entered into between the Program and a credentialed professional
45 pursuant to subdivision (b)(2) of this section shall include guidelines for all of the following:

46 (1) Enrollment of credentialed professionals referred to the Program by the
47 Board.

48 (2) Assessment, referral, monitoring, support, and education of credentialed
49 professionals referred to the Program by reason of a physical or mental
50 illness, a substance use disorder, or professional sexual misconduct.

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

- 1 (5) Arrangements for monitoring treatment, rehabilitation, posttreatment
2 support, and performance.
3 (6) Reports of individual cases to the Board.
4 (7) Periodic reporting of statistical information.
5 (8) Assurance of confidentiality of nonpublic information."
6

7 **PART VI. EFFECTIVE DATE**

8 **SECTION 7.** Except as otherwise provided, this act becomes effective October 1,
9 2017.