

CHAPTER 68 - SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD

SECTION .0100 - GENERAL

21 NCAC 68 .0101 DEFINITIONS

As used in the General Statutes or this Chapter, the following terms mean:

- (1) "Applicant" means a person who submits documentation seeking Board status for registration, certification, or licensure.
- (2) "Application packet" means a set of instructions and forms required by the Board for registration.
- (3) "Approved supervisor " means a person who monitors and directs the activities of a substance abuse professional in the role of an applicant supervisor or a practice supervisor as set out in G.S. 90-113.31A. This is a person who fulfills or is in the process of fulfilling the requirements for this Board designation of approved supervisor pursuant to Rule .0211 of this Chapter by completing its academic, didactic, and experiential requirements.
- (4) "Assessment" means identifying and evaluating an individual's strengths, weaknesses, problems, and needs for the development of a treatment or service plan for a substance use disorder.
- (5) "Clinical application" means the assumption of professional and ethical responsibilities in the form of clinical supervision defined in Item (7) of this Rule in a clinical setting for 300 hours as well as the utilization of practice dimensions that include:
 - (a) clinical evaluation;
 - (b) treatment planning;
 - (c) referral;
 - (d) service coordination;
 - (e) counseling;
 - (f) education for the individual client, family or community; and
 - (g) documentation.
- (6) "Clinical setting" means a location where the primary purpose is the delivery of behavioral health care to clients, patients, and consumers.
- (7) "Clinical supervision" means clinical oversight required for all credentials with 50 percent clinical supervision that shall accrue in person and face-to-face while in the same room: the balance of this requirement may be fulfilled electronically via video, face-to-face, if performed in real time.
- (8) "Clinical supervision specific education" means training that covers the aspects of clinical supervision of a substance abuse professional or any of the Twelve Core Functions in their clinical application.
- (9) "Client" means an individual who is in receipt of substance abuse counseling.
- (10) "Complainant" means a person who has filed a complaint pursuant to these Rules.
- (11) "Consultation" means a meeting for discussion, decision-making, and planning with other service providers for the purpose of providing substance abuse services.
- (12) "Crisis" means a radical change of status event in the course of treatment related to alcohol or drug use that threatens to compromise or destroy the rehabilitation effort.
- (13) "Deemed status group" means those persons who are credentialed as clinical addictions specialists because of their membership in a deemed status as defined in G.S. 90-113.31A(15).
- (14) "Education" means a service that is designed to inform and teach various groups including clients, families, schools, businesses, churches, industries, civic, and other community groups about the nature of substance abuse disorders and about available community resources. It also serves to improve the social functioning of recipients by increasing awareness of human behavior and providing alternative cognitive or behavioral responses to life's problems.
- (15) "Full-time" means 2,000 hours of substance abuse professional experience per year.
- (16) "General professional skill building" means education provided to enhance the general skills of a substance abuse professional.
- (17) "Hearing panel" means members of a committee designated by the chairperson of the committee to conduct an informal hearing to determine whether the applicant meets the standards required to be maintained for or awarded a credential.
- (18) "Impairment" means a mental illness, substance abuse, chemical dependency, or physical illness.
- (19) "Letter of reference" means a letter that recommends a person for certification.

- (20) "Membership in good standing" means a member's credential is not in a state of revocation, lapse, or suspension. However, an individual whose credential is suspended and the suspension is stayed is a member in good standing during the period of the stay.
- (21) "Passing score" means the score set and provided by the entity administering the exam.
- (22) "Person served" means an individual who is not a client but is in receipt of substance abuse prevention counseling.
- (23) "Personal service" means the delivery of a document into the hands of the person to whom it is addressed.
- (24) "President" means the President of the Board.
- (25) "Prevention consultation" means a service provided to other mental health, human service, community planning, development organization, or to individual practitioners in other organizations to assist in the development of insights and skills of the practitioner necessary for prevention of alcohol and drug abuse.
- (26) "Prevention performance domains" means areas of professional activities to include:
 - (a) planning and evaluations;
 - (b) education and skill development;
 - (c) community organization;
 - (d) public and organizational policy; and
 - (e) professional growth and responsibility.
- (27) "Referral" means identifying the needs of an individual that cannot be met by the counselor or agency and assisting the individual in utilizing the support systems and community resources available to transfer services.
- (28) "Rehabilitation" means re-establishing the functioning needed for professional competency.
- (29) "Reinstatement" means an action where the Board restores registration, certification, or licensure to an applicant after the applicant completes the requirements imposed by the Board.
- (30) "Relapse" means a return to the pattern of substance abuse as well as the process during which indicators appear prior to the person's return to the pattern of substance abuse or a re-appearance or exacerbation of physical, psychological, or emotional symptoms of impairment.
- (31) "Renewal" means an action by the Board granting a substance abuse professional a consecutive registration, certification, or licensure based upon the completion of requirements for renewal as prescribed by statute and the rules of the Board.
- (32) "Revival" means an action by the Board granting a substance abuse professional a registration, certification, or licensure following a lapse of registration, certification, or licensure wherein the professional must also meet the requirements for renewal.
- (33) "Reprimand" means a written warning from the Board to a person making application for certification or licensure by the Board or registered, certified, or licensed by the Board.
- (34) "Respondent" means a person who is making application for registration, certification, or licensure by the Board or is registered, certified, or licensed by the Board against whom a complaint has been filed.
- (35) "Sexual activity" or "sexual contact" means:
 - (a) Contact between the penis and the vulva or the penis and the anus;
 - (b) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
 - (c) The penetration, however slight, of the anal or genital opening of another by a hand, finger, or any object with an intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person;
 - (d) Vaginal intercourse, cunnilingus, fellatio, or anal intercourse, if initiated, agreed to, or not resisted by the substance abuse professional; or
 - (e) Kissing or the intentional touching of the other's lips, genital area, groin, inner thigh, buttocks, breasts, or any other body parts, as well as the clothing covering any of these body parts for the purpose of sexual stimulation or gratification of either the substance abuse professional or the client if initiated or agreed to or not resisted by the substance abuse professional.
- (36) "Substance abuse counseling experience " means approved supervised experience that may be full-time, part-time, paid or voluntary, and shall include all of the Twelve Core Functions as set forth in Rule .0204 of this Chapter as documented by a job description and a supervisor's evaluation.

- (37) "Substance abuse prevention consultant experience" means approved supervised experience that may be full-time, part-time, paid or voluntary, and shall include all of the prevention domains referenced by Rule .0206 of this Chapter and as documented by a job description and supervisor's evaluation.
- (38) "Substance abuse specific" means education focused upon alcohol and other drugs and the substance abusing population and is provided for a substance abuse professional by an individual whose education and experience is in the field of alcohol and other drugs.
- (39) "Supervised practice" means supervision of the applicant in the knowledge and skills related to substance abuse professionals.
- (40) "Supervisor of record" means the substance abuse professional primarily responsible for providing applicant or practice supervision to a supervisee.
- (41) "Suspension" means a loss of registration, certification, or licensure by a substance abuse professional or the privilege of making application for registration, certification, or licensure by an applicant for one of these credentials.

History Note: Authority G.S. 90-113.30; 90-113.31A; 90-113.31B; 90-113.33; 90-113.40; 90-113.41; 90-113.41A;
 Eff. August 1, 1996;
 Temporary Amendment Eff. November 15, 1997;
 Amended Eff. August 1, 2015; January 1, 2014; June 1, 2011; April 1, 2011; April 1, 2003;
 August 1, 2002; April 1, 2001; August 1, 2000; August 1, 1998.

21 NCAC 68 .0102 BOARD MAILING ADDRESS

Unless otherwise directed, all correspondence shall be mailed to the following address:

North Carolina Substance Abuse
 Professional Certification Board
 P.O. Box 10126
 Raleigh, NC 27605.

History Note: Authority G.S. 90-113.30; 90-113.33;
 Eff. August 1, 1996;
 Amended Eff. August 1, 1998.

SECTION .0200 - CERTIFICATION

21 NCAC 68 .0201 APPLICATION FOR REGISTRATION

- (a) Applications, inquiries and forms shall be obtained from and returned to the Board.
- (b) To obtain an application packet, the applicant shall submit a check or money order for a non-refundable fee in the amount of twenty-five dollars (\$25.00) and a letter of intent stating the credential sought by the applicant.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.39; 90-113.40;
 Eff. August 1, 1996;
 Amended Eff. August 1, 2002.

21 NCAC 68 .0202 REGISTRATION PROCESS FOR BOARD CREDENTIAL

- (a) Individuals shall register with the Board prior to providing professional services. This allows the Board to review the applicant's materials including education, training, experience and supervision contracts and provide the applicant with an understanding of his or her standing in the credentialing process.
- (b) To register, the applicant shall send the following to the Board:
 - (1) Completed registration form provided by the Board;
 - (2) Documentation of the degree required for a credential;
 - (3) A signed supervision contract on a form provided by the Board documenting the proposed supervision process by an applicant supervisor;
 - (4) A signed form attesting to the applicant's promise to adhere to the ethical standards of the Board;

- (5) Documentation of three hours of educational training in ethics;
 - (6) Completed criminal history record check;
 - (7) Job description evidencing applicant is practicing under the scope of practice for the credential sought;
 - (8) Current resume;
 - (9) Completed special needs statement revealing special testing needs on a form provided by the Board if applicable; and
 - (10) A check or money order in the amount as set in Rule .0205 that is non-refundable and made payable to the Board.
- (c) Once the materials are determined by the Board to be in order the applicant shall be granted registration status.
- (d) Registration with the Board shall be for a period as set out in G.S. 90-113.40A.
- (e) An applicant shall become a Registrant upon receipt of written notification from the Board.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.39; 90-113.40; 90-113.40A; 90-113.46A;
Eff. August 1, 1996;
Amended Eff. January 1, 2010; April 1, 2003; August 1, 2002.

21 NCAC 68 .0203 DESIGNATION AS SUBSTANCE ABUSE COUNSELOR INTERN

- (a) An applicant may by-pass early registration at the entry level and seek designation as a Counselor Intern.
- (b) To be designated as a Substance Abuse Counselor Intern, a counselor shall submit and successfully complete the following:
- (1) A registration form provided by the Board;
 - (2) Documentation provided by the Board verifying the successful completion of 300 hours of Supervised Practice;
 - (3) Successful completion of the written examination developed by the IC&RC/AODA, Inc. or its successor organization; and
 - (4) Payment of a non-refundable, one hundred twenty-five dollar (\$125.00) written exam fee plus a one hundred twenty-five dollar (\$125.00) registration fee if not already registered with the Board.
- (c) Upon the failure of an applicant to achieve a passing score, the applicant may request a reexamination and pay a non-refundable reexamination fee of one hundred fifty dollars (\$150.00) after a period of three months from the date of the failed test.
- (d) Once an individual has been designated as a Substance Abuse Counselor Intern, he or she may function as a counselor intern under an approved supervisor at a ratio of one hour of supervision for every 40 hours of practice.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.38; 90-113.39; 90-113.40; 90-113.41;
Eff. August 1, 1996;
Amended Eff. August 1, 2002; August 1, 2000.

21 NCAC 68 .0204 SUPERVISED PRACTICUM FOR CERTIFIED SUBSTANCE ABUSE COUNSELOR AND LICENSED CLINICAL ADDICTIONS SPECIALIST

- (a) All applicants for the certified substance abuse counselor or the clinical addictions specialist credential shall complete a 300 hour practicum supervised by an applicant supervisor and the practicum shall cover all core functions of counseling. Verification of at least ten hours of this practicum shall be made in each of the core functions of this Rule. These 120 hours of the practicum shall be divided into one hour of supervision for every 10 hours of practice in each one of the 12 core functions. These core functions are:
- (1) Screening to determine a client is appropriate and eligible for admission to a particular program;
 - (2) Intake to provide the administrative and initial assessment procedures for admission to a program;
 - (3) Orientation of the client to the general nature and goals of the program, rules governing client conduct, notice of the hours during which services are available, treatment costs to be borne by the client, if any, and client's rights;
 - (4) An assessment to identify and evaluate for the purpose of the development of a treatment plan an individual's strengths, weaknesses, problems and needs;
 - (5) The treatment planning process whereby the counselor and client identify and rank problems needing resolution, establish agreed upon immediate and long term goals, and decide on a treatment process and the resources to be utilized;

- (6) Counseling to assist individuals, families, or groups in achieving goals through exploration of a problem and its ramifications, examination of attitudes and feelings, consideration of alternative solutions, and making decisions;
- (7) Case management activities which bring services, agencies, resources or people together within a planned framework of action toward the achievement of established goals;
- (8) Providing those crisis intervention services which respond to an alcohol or other drug abuser's needs during acute emotional and physical distress;
- (9) Provision of client education information to individuals and groups describing alcohol and other drug abuse and the available services and resources;
- (10) Referring the client whose needs cannot be met by the counselor or agency to other support systems and community resources available;
- (11) Charting the results of the assessment and treatment plan while writing reports, progress notes, discharge summaries and other client-related data necessary for the compilation of necessary reports and recordkeeping; and
- (12) Consultation with substance abuse and other professionals to assure comprehensive, quality care for the client.

(b) The remaining 180 hours of this practicum shall be in the core function areas.

(c) Upon completion of the 300 hours, the supervisor shall complete an evaluation form reviewing the certified substance abuse counselor or clinical addictions specialist professional development and provide it to the Board, documenting the 300 hours of practice, including 30 hours of supervision on a form provided by the Board.

(d) Pursuant to G.S. 90-113.40(a)(7), the practicum may be completed as part of an academic course of study in a regionally accredited college or university or it may be developed in the work setting as long as it is supervised by an applicant supervisor.

(e) Pursuant to G.S. 90-113.40(c)(1), the 300 hours of practical training provided by an applicant supervisor shall be completed as part of the required two years postgraduate supervised substance abuse counseling experience.

History Note: Authority G.S. 90-113.30; 90-113.31; 90-113.33; 90-113.34; 90-113.39; 90-113.40; Eff. August 1, 1996; Amended Eff. June 1, 2011; April 1, 2011; January 1, 2010; August 1, 2002.

21 NCAC 68 .0205 CERTIFIED SUBSTANCE ABUSE COUNSELOR CERTIFICATION

Requirements for certification as a Certified Substance Abuse Counselor shall be as follows:

- (1) Successful completion of paid or volunteer supervised experience earned in not less than three years, as set out in G.S. 90-113.40(a). If the work setting is not exclusively substance abuse focused, the applicant may accumulate experience proportional to the substance abuse services performed;
- (2) Board approved education and training of at least 270 clock hours as follows:
 - (a) Substance Abuse Specific (SAS) education and training in the amount of at least 190 hours;
 - (b) Up to 80 hours may be directed toward general professional skill building to enhance counselor development;
 - (c) No more than 25% of the 270 hours (67.5) hours may be inservice education received within the applicant's organization by staff of the same organization;
 - (d) The 190 Substance Abuse Specific clock hours needed for initial certification must be in the core competencies. Core competencies are listed as follow:
 - (i) Basic alcoholism and drug addiction knowledge;
 - (ii) Screening, intake, orientation and assessment;
 - (iii) Individual, group and family counseling and intervention techniques;
 - (iv) Case management, treatment planning, reporting and record keeping;
 - (v) Crisis intervention skills;
 - (vi) Prevention and education;
 - (vii) Consultation, referral and networking that utilizes community resources;
 - (viii) Ethics, legal issues, and confidentiality;
 - (ix) Special populations which include but are not limited to individuals or groups with specific ethnic, cultural, sexual orientation, and gender characteristics as

- well as persons dealing with HIV, co-occurring disabilities, persons with criminal justice related issues and perinatal issues:
- (x) Physiology and pharmacology of alcohol and other drugs that include the licit and illicit drugs, inhalants and nicotine;
 - (xi) Psychological, emotional, personality and developmental issues; and
 - (xii) Traditions and philosophies of 12-step and other recovery support groups;
- (e) Of the 270 clock hours, applicants for certification as a Substance Abuse Professional must document six hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education, six hours professional ethics education, and six hours of education to be selected from the following:
- (i) Nicotine Dependence;
 - (ii) Psychopathology;
 - (iii) Evidence-Based Treatment Approaches;
 - (iv) Substance Abuse Issues In Older Adults; and
 - (v) Substance Abuse Issues Affecting Veterans;
- (3) A one hundred twenty-five dollar (\$125.00) written exam fee and a one hundred twenty-five dollar (\$125.00) non-refundable registration fee, unless previously paid. The applicant may request a reexamination and pay a non-refundable reexamination fee as set out in G.S. 90-113.38(c) for the written exam if a passing score is not achieved and at least three months have passed from the date of failed test;
- (4) Successful completion of the IC&RC/AODA, Inc. or its successor organization written exam;
- (5) Completed evaluation forms and contracts for supervision. These forms must be mailed directly to the Board by three references: a supervisor, co-worker, and colleague;
- (6) A signed form attesting to the applicant's adherence to the Ethical Standards of the Board;
- (7) Documentation of high school graduation, completion of GED, baccalaureate or advanced degree;
- (8) Completed registration forms;
- (9) Resume; and
- (10) Job description that verifies job function.

History Note: Authority G.S. 90-113.30; 90-113.31; 90-113.33; 90-113.36; 90-113.39; 90-113.40; Eff. August 1, 1996; Amended Eff. January 1, 2010; August 1, 2002; August 1, 2000.

21 NCAC 68 .0206 PROCESS FOR PREVENTION CONSULTANT CERTIFICATION

- (a) The Board shall certify an applicant as a substance abuse prevention consultant as set out in Article 5C of Chapter 90 of the North Carolina General Statutes. A prevention consultant's primary responsibilities are to provide substance abuse information and education, environmental approaches, alternative activities, community organization, networking, and referral.
- (b) In addition to the requirements set out in G.S. 90-113.40, the requirements for certification include:
- (1) Supervised work experience as set out in G.S. 90-113.40(a)(8) in prevention consultation.
 - (2) 270 hours of academic and didactic training divided in the following manner:
 - (A) 170 hours primary and secondary prevention and in the prevention performance domains; and
 - (B) 100 hours in substance abuse specific studies, which includes six hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education, six hours professional ethics education, and six hours of education to be selected from the following:
 - (i) Nicotine Dependence;
 - (ii) Psychopathology;
 - (iii) Evidence-Based Treatment Approaches;
 - (iv) Substance Abuse Issues in Older Adults; and
 - (v) Substance Abuse Issues Affecting Veterans.
 - (3) Supervised practical training as set out in G.S. 90-113.40(a)(7);
 - (4) A minimum of 300 hours of supervised practical training practice hours documented by a certified substance abuse professional;

- (5) A form signed by the applicant attesting to the applicant's adherence to the Ethical Standards of the Board;
- (6) An application packet fee of twenty-five dollars (\$25.00), a certification fee of one hundred twenty-five dollars (\$125.00), and an examination fee of one hundred twenty-five dollars (\$125.00).

History Note: Authority G.S. 90-113.30; 90-113.31B; 90-113.33; 90-113.34; 90-113.38; 90-113.39; 90-113.40; 90-113.41;
Eff. August 1, 1996;
Amended Eff. January 1, 2014; August 1, 2002; April 1, 2001; August 1, 2000.

21 NCAC 68 .0207 CERTIFICATION OR LICENSURE PERIOD

Certification or licensure is for a period of two years after which re-credentialing is necessary.

History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.33;
Eff. August 1, 1996;
Amended Eff. January 1, 2010.

21 NCAC 68 .0208 CONTINUING EDUCATION REQUIRED FOR COUNSELOR, CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL AND PREVENTION CONSULTANT RE-CREDENTIALING

(a) In order to be re-credentialed, a substance abuse professional shall:

- (1) Comply with the following:
 - (A) No more than 25 percent may be in-service education, received within your organization by staff of the same employment;
 - (B) No more than 25 percent of workshop presentation with one hour of presentation translating to one hour of education. Workshop presentation shall be a part of an event pre-approved by the Board as set out in these Rules;
 - (C) An applicant shall include documentation of each event submitted;
 - (D) All applicants shall include three hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education, three hours of professional ethics training and education and three hours of education to be selected from the list appearing in Rule 21 NCAC 68 .0205(2)(e)(i) through (v) for each re-credentialing; and
 - (E) No more than 50 percent self-study, approved by the Board as set out in these Rules; and
- (2) Submit the following:
 - (A) A completed application form with continuing education documented;
 - (B) A non-refundable one hundred twenty-five dollar (\$125.00) recertification fee; and
 - (C) A signed and dated statement that the applicant shall follow the substance abuse professional's code of conduct.

(b) Each credentialed counselor, criminal justice addictions professional and prevention consultant shall receive 60 hours of Board approved, as set out in these Rules, education during the current re-credentialing period that shall be documented. No more than 25 percent may be in-service education. A minimum of 30 hours shall be substance abuse specific (SAS). The education may include a combination of hours including attending and conducting workshops.

(c) To be re-credentialed, a criminal justice addictions professional and a certified substance abuse counselor shall submit a post-certification supervision contract signed by a practice supervisor and supervisee. The supervision required by this Rule shall be provided by the practice supervisor and set forth as follows:

- (1) The first 4,000 hours of practice shall be performed at the rate of one hour of supervision for every 40 hours of practice;
- (2) The second 4,000 hours of practice shall be performed at the rate of one hour of supervision for every 80 hours of practice;
- (3) All subsequent practice shall be performed at the rate of one hour of supervision for every 160 hours of practice.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.37; 90-113.38; 90-113.39;
Eff. August 1, 1996;

Amended Eff. June 1, 2011; April 1, 2011; January 1, 2010; April 1, 2003; August 1, 2002; August 1, 2000.

21 NCAC 68 .0209 RECIPROCITY

(a) If a counselor, prevention consultant, clinical supervisor, or clinical addictions specialist holds a credential issued by an IC&RC/AODA, Inc. member board or a successor organization as a certified substance abuse counselor (to include alcohol and other drugs), certified prevention consultant, certified clinical supervisor or credentialed clinical addictions specialist, the person may transfer this credential to North Carolina by applying a transfer fee as assessed by the IC&RC/AODA, Inc. or its successor organization.

(b) The reciprocal credential effective date shall remain the same as in the previous state.

(c) At the time when re-credentialing is required, it will be the individual's responsibility to submit an application for re-credentialing. For the period of the first re-credentialing in North Carolina, the Board shall accept the member's former state re-credentialing requirements for the purpose of reciprocal re-credentialing. At the end of this re-credentialing period, it shall be the individual's responsibility to conform to the re-credentialing requirements of North Carolina in effect at the time of re-credentialing.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.36; 90-113.37A; Eff. August 1, 1996; Amended Eff. January 1, 2014; August 1, 2000.

21 NCAC 68 .0210 CONVERSION

History Note: Authority G.S. 90-113.30; 90-113.33; Eff. August 1, 1996; Repealed Eff. January 1, 2010.

21 NCAC 68 .0211 PROCESS FOR CLINICAL SUPERVISOR CERTIFICATION

In order to be certified as a Clinical Supervisor an applicant shall:

- (1) Obtain and maintain a license as a Clinical Addictions Specialist to be eligible for Clinical Supervisor Certification;
- (2) Hold a master's or higher degree in a human services field with a clinical application from a regionally accredited college or university;
- (3) Submit documentation signed by the Certified Clinical Supervisor of 4000 hours or two years full-time experience as a Substance Abuse Clinical Supervisor, supervised in a ratio of one hour supervision for every 80 hours of practice in the field of alcohol and other drug abuse;
- (4) Submit documentation of 30 hours of clinical supervision specific education for initial certification and 15 hours of clinical supervision specific education for re-certification (which will occur every two years). These hours shall be reflective of clinical supervision or clinical supervision of the twelve core functions or performance domains in their clinical application and practice and may also be used as re-credentialing hours for Clinical Addictions Specialist. For the purpose of re-certification as a Clinical Supervisor, 25 percent of the required total hours may be obtained by providing supervision of a Criminal Justice Addictions Professional, Prevention Consultant, Substance Abuse Counselor or Clinical Addictions Specialist;
- (5) Submit three letters of reference. One from a substance abuse professional who can attest to supervisory competence and two from either substance abuse counselors who have been supervised by the candidate or substance abuse professionals who can attest to the applicant's competence;
- (6) Successfully complete an IC&RC/AODA, Inc. or its successor organization's written examination;
- (7) Pay all application fees. A fee of twenty-five dollars (\$25.00) shall be submitted to the Board with a letter of intent in order to receive the application packet. Also, an applicant shall submit with a completed registration packet a registration fee of one hundred twenty-five dollars (\$125.00) and a written examination fee of one hundred twenty-five dollars (\$125.00);
- (8) Submit a fee of one hundred twenty-five dollars (\$125.00) required as a recertification fee.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.38; 90-113.40; 90-113.41; 90-114.41A; Eff. August 1, 1996;

Amended Eff. January 1, 2010; August 1, 2002; August 1, 2000.

21 NCAC 68 .0212 PROCESS FOR RESIDENTIAL FACILITY DIRECTOR CERTIFICATION

(a) Residential facility director certification may be obtained and continued by any person credentialed as a Substance Abuse Counselor or Clinical Addictions Specialist.

(b) Requirements for certification shall be as follows:

- (1) 50 hours of academic and didactic management specific training;
- (2) Recommendation of applicant's current supervisor;
- (3) Recommendation of a colleague and co-worker of the applicant; and
- (4) An application packet fee of twenty-five dollars (\$25.00), a registration fee of one hundred twenty-five dollars (\$125.00), and a certification fee of one hundred twenty-five dollars (\$125.00).

(c) In addition to meeting the continuing education requirements to practice as a Certified Counselor or Clinical Addictions Specialist, in order to maintain certification as a Residential Facility Director, the applicant shall take 40 hours of continuing education every two years and maintain documentation of such training. Anyone allowing certification to lapse beyond three months of the re-certification due date shall reapply as a new applicant.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.35; 90-113.38; 90-113.39; 90-113.40; Eff. August 1, 1996; Amended Eff. January 1, 2010; August 1, 2002; August 1, 2000.

21 NCAC 68 .0213 CONTINUING EDUCATION APPROVAL POLICY

(a) The Board shall approve educational events for professional credentialing. One certified hour is defined as one contact hour of participation in an organized continuing education experience. Continuing education used to meet the credentialing requirements shall be reviewed and approved according to these Rules. If the sponsor does not obtain approval from the Board, the individual participants shall be responsible for supplying all of the required information for each continuing education session at the time of request for credentialing or re-credentialing. Upon request, the Standards Committee shall review requests quarterly. Submission of approval requests shall be received 45 days prior to opening day of the event.

(b) Any applicant for training approval shall submit a training approval request form including:

- (1) Title of course, date, location, individual or organization sponsor, whether it will be held only once or recurring.
- (2) Presenter(s) who shall attach a resume outlining expertise in the subject area and content of the session.
- (3) A description of the contents of a track, course, seminar, and the type of credit hours being requested to indicate if it is substance abuse specific, general skill building, or required training pursuant to other specialized credentials including Criminal Justice Addictions Professionals, Clinical Supervisors, Residential Facility Directors, or Prevention Consultants.
- (4) Agenda, to include the breakdown of time including a 15 minute break for every two hours of education and amount of time allowed for meals.
- (5) The sponsor or individual seeking approval shall pay an annual fee as follows:
 - (A) \$25.00 for up to 10 hours;
 - (B) \$50.00 for more than 10 hours and up to 20 hours;
 - (C) \$75.00 for more than 20 hours and up to 30 hours;
 - (D) \$100.00 for more than 30 hours and up to 40 hours;
 - (E) \$125.00 for more than 40 hours.

(c) Training approved by IC&RC/AODA, Inc. or its successor organization member boards and organizations granted deemed status shall be accepted with documentation of completion.

(d) In-service training shall meet the same requirements as set out in Paragraphs (b) and (c) of this Rule. However, if persons who are non-employees of the sponsoring and presenting agency are invited to participate, then it is not considered in-service and Board pre-approval shall be required. Education received within the organization by outside trainers is not considered inservice.

(e) Presenters shall be given one hour of credit for every one hour presented. However, if the original presentation is repeated, hours can only be credited for the original presentation.

(f) The Board may revise or rescind credit hours if information is received documenting that a previously approved event was not presented as it was approved.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.39; 90-113.40; 90-113.37A;
Eff. August 1, 1996;
Amended Eff. January 1, 2010; August 1, 2000.

21 NCAC 68 .0214 UNIVERSITY SUBSTANCE ABUSE SPECIALTY CURRICULA

- (a) The standards committee shall be notified by a school of its intent to provide a substance abuse specialty curricula.
- (b) Upon notification of the school's intent to provide a substance abuse specialty curriculum, the Board shall inform the school that the following information shall be needed from the applicant school:
 - (1) Curricula description including number of hours of substance abuse specific credits;
 - (2) Information as to how the educational requirements for substance abuse specialty shall be met within the curricula pursuant to G.S. 90-113.41A(a)(2) a.-k.;
 - (3) The names and resume of any faculty who shall be teaching the substance abuse curricula;
 - (4) The name of the school in which the substance abuse curricula shall be housed and organizational contact information; and
 - (5) Specific guidelines and information on the field experience that shall be required of students including current substance abuse specific field placements and supervision.
- (c) The standards committee shall review curricula to determine if the proposal meets educational, hour, substance abuse specific and supervised experience qualifications.
- (d) The curricula review subcommittee of the standards committee shall present recommendations to the Board.
- (e) The Board shall notify the school of the status of its request and any recommendation.
- (f) The curricula shall be submitted for review every three years. Application for extension of the curricula shall be made 90 days prior to the current expiration date.
- (g) Individuals applying who have completed a curriculum from a school meeting the criteria set forth in Subparagraphs (b)(1) through (b)(5) of this Rule shall submit an official masters or more advanced degree transcript from the university or college.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40;
Eff. August 1, 2002;
Amended Eff. April 1, 2011; January 1, 2010.

21 NCAC 68 .0215 VERIFICATION

- (a) Application for verification of credential shall be made to the Board.
- (b) A request for verification shall be made in writing and submitted with a check or money order in the amount of twenty-five dollars (\$25.00).

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.40;
Eff. August 1, 2002;
Amended Eff. January 1, 2010.

21 NCAC 68 .0216 BACKGROUND INVESTIGATION

- (a) Every applicant for an initial credential issued pursuant to Article 5C of Chapter 90 of the General Statutes shall provide, at her or his expense, a completed fingerprint card and accompanying release of information form, provided by the Board, meeting the standards set by the State Bureau of Investigation and obtained within 60 days of the date the applicant submits all the prerequisites for his or her credential.
- (b) The applicant shall provide any additional information regarding any pending charge or conviction as requested by the Board.
- (c) An applicant shall submit a verified statement listing all criminal convictions received by the applicant, subsequent to the date of the application. Failure to make full and accurate disclosure shall be grounds for immediate application denial or other disciplinary action applicable to registration, certification, or licensure pursuant to G.S. 90-113.44.
- (d) Criminal histories from any jurisdiction shall be categorized as defined by North Carolina law.
- (e) The categories of crimes (committed as separate incidents) are as follows:
 - (1) Category I. The following crimes:
 - (A) Murder, attempted murder, or manslaughter of a child 16 or under; or

- (B) Sexual assault, including attempted sexual assault, rape, indecent liberties with a child, molestation, or sexual assault of a child, or the attempt to commit any of the aforementioned crimes.
- (2) Category II. Crimes that primarily result in bodily or emotional harm to others, including:
 - (A) Manslaughter of a person over 16 years of age;
 - (B) Kidnapping or attempted kidnapping;
 - (C) Arson of an occupied dwelling;
 - (D) Robbery with a dangerous weapon or attempted robbery with a dangerous weapon;
 - (E) Felony assault other than a sexual assault;
 - (F) First degree burglary;
 - (G) Trafficking in controlled substances as it is defined in Article 5 of Chapter 90 of the General Statutes; or
 - (H) Any other felony that results in bodily or emotional harm to another.
- (3) Category III. The following misdemeanors and felonies that do not primarily result in bodily or emotional harm to others:
 - (A) Three or more DWIs within the most recent seven years;
 - (B) Assault (misdemeanor);
 - (C) Felony larceny;
 - (D) Fraud, obtaining property by false pretenses, financial transaction card theft;
 - (E) Unauthorized use of an aircraft;
 - (F) Unlawfully carrying a weapon;
 - (G) Theft of a vehicle;
 - (H) Falsification of government documentation (felony);
 - (I) Arson of an unoccupied dwelling or other building within the curtilage;
 - (J) Burglary other than in the first degree;
 - (K) Sale and delivery violations of the North Carolina Controlled Substances Act resulting in a felony conviction;
 - (L) Embezzlement;
 - (M) Forgery;
 - (N) Any burning of property prosecuted as a felony;
 - (O) Robbery not with a dangerous weapon;
 - (P) Perjury;
 - (Q) Felony receiving and possessing stolen goods;
 - (R) Breaking and entering; or
 - (S) Any other felony not otherwise categorized.
- (4) Category IV. The following misdemeanors:
 - (A) Any combination of three or more Category V offenses, except offenses occurring within the same incident shall be considered a single offense;
 - (B) Two DWIs within the most recent seven years;
 - (C) Possession of a controlled substance;
 - (D) Injury or damage to property;
 - (E) Resisting arrest;
 - (F) Larceny;
 - (G) Prostitution;
 - (H) Criminal mischief;
 - (I) Driving while license suspended or revoked;
 - (J) Falsification of government documents;
 - (K) Any misdemeanor burning; or
 - (L) Any other misdemeanor not otherwise categorized.
- (5) Category V. Category V offenses are:
 - (A) One DWI within the most recent seven years;
 - (B) Disorderly conduct;
 - (C) Intoxicated and disruptive in public;
 - (D) Three or more incidents resulting in worthless check convictions; or
 - (E) Shoplifting or concealment.

(f) The following sanctions have been established by the Board according to the categories of crimes:

- (1) An applicant with a Category I conviction shall have at least 15 years elapsed since the applicant has completed all aspects of his or her sentence received as a result of the last Category I conviction to be eligible for registration, certification, or licensure.
- (2) An applicant with a Category II conviction shall have at least 10 years elapsed since the applicant has completed all aspects of his or her sentence received as a result of the last Category II conviction to be eligible for certification or licensure. Notwithstanding a Category II conviction, an applicant may be registered no sooner than five years following the date the applicant has completed all aspects of his or her sentence.
- (3) An applicant with a Category III conviction shall have at least five years elapsed since the applicant has completed all aspects of his or her sentence received as a result of the last Category III conviction to be eligible for certification or licensure. Notwithstanding a Category III conviction, an applicant may be registered immediately following the date the applicant has completed all aspects of his or her sentence.
- (4) An applicant with a Category IV conviction shall have at least three years elapsed since the applicant has completed all aspects of his or her sentence received as a result of the last Category IV conviction to be eligible for certification or licensure. Notwithstanding a Category IV conviction, an applicant may register immediately following the date the applicant has completed all aspects of his or her sentence.
- (5) An applicant with a Category V conviction shall have at least one year elapsed since the applicant has completed all aspects of his or her sentence received as a result of the last Category V conviction to be eligible for certification or licensure. Notwithstanding a Category V conviction, an applicant may register immediately following the date the applicant has completed all aspects of his or her sentence.

(g) If a waiting period prior to licensure as a driver of a motor vehicle results from a conviction for a DWI offense, this waiting period shall not be considered an aspect of an applicant's sentence required to be completed prior to the awarding of a credential.

(h) An individual whose application is denied or whose registration is suspended or revoked may request a hearing under the procedure established in Article 5C of Chapter 90 and Chapter 150B of the North Carolina General Statutes and the North Carolina Administrative Code.

History Note: Authority G.S. 90-113.30; 90-113.31; 90-113.33; 90-113.40; 90-113.41A; 90-113.44; Temporary Adoption Eff. May 15, 2002; Temporary Adoption Eff. July 1, 2002; Eff. April 1, 2003; Amended Eff. January 1, 2010.

21 NCAC 68 .0217 SUPERVISED PRACTICUM FOR CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL CERTIFICATION

(a) All applicants for the criminal justice addictions professional certification shall complete 300 hours practicum. The applicant supervisor shall;

- (1) Train the criminal justice addictions professional and cover all criminal justice performance domains as set out in G.S. 90-113.31B(6);
- (2) Submit verification that at least 10 hours of practice was provided in each of the performance domains; and
- (3) Provide verification of at least one hour of supervision for every 10 hours of practice in each one of the performance domains on a supervisor evaluation form provided by the Board.

(b) The remaining hours of the practicum shall be in any of the performance domains.

(c) Upon completion of 300 hours, the applicant supervisor shall:

- (1) Complete an evaluation form reviewing criminal justice addictions professional's development as a professional;
- (2) Document the 300 hours of practice to include 30 hours of supervision by the applicant supervisor; and
- (3) Submit this information to the Board on a form provided by the Board.

(d) The practicum may be completed as part of an academic course of study in a regionally accredited college or university or it may be developed in the work setting as long as it is supervised by an applicant supervisor. The

practicum shall take place within a criminal justice addiction professional setting to include a workplace for law enforcement, the judiciary, or corrections.

History Note: Authority G.S. 90-113.31A; 90-113.31B(6); 90-113.40; 90-113.40B;
Eff. January 1, 2010;
Amended Eff. June 1, 2011; April 1, 2011.

21 NCAC 68 .0218 RESERVED FOR FUTURE CODIFICATION

21 NCAC 68 .0219 RESERVED FOR FUTURE CODIFICATION

21 NCAC 68 .0220 NOTICE TO APPLICANT OF FAILURE TO SATISFY BOARD

Whenever the Board has determined that an application is deficient, the Board shall notify the applicant of its decision and indicate in what respect the applicant has failed to satisfy the Board. The applicant may inquire with the Board if more information is needed to clarify the nature of the deficiency.

History Note: Authority G.S. 90-113.33; 90-113.39; 90-113.40;
Eff. April 1, 2001;
Amended Eff. January 1, 2010.

21 NCAC 68 .0221 APPLICANT HEARING

Upon denial, suspension or revocation of a credential, an applicant may request a hearing upon submission of a written statement detailing the reason for the request. The applicant shall be given a formal hearing before the Board. Notice of the time and place of the public hearing shall be provided to the applicant. The burden of satisfying the Board of the applicant's qualifications for a credential shall be upon the applicant. Following the hearing, the Board shall determine whether he or she is qualified to be examined or is entitled to be credentialed, whichever is the next appropriate step in the process.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40;
Eff. April 1, 2001;
Amended Eff. January 1, 2010.

21 NCAC 68 .0222 ETHICS INQUIRY

(a) Information that is the basis for an inquiry into the issue of whether the applicant meets the ethical standards of the Board may be referred to the Chairperson of the Standards Committee for review and further investigation. The Chairperson may pursue the investigation of this matter pursuant to the procedures used to investigate ethics complaints.

(b) Information that is the basis for an inquiry into the issue of whether the credentialed professional meets the ethical standards of the Board may be referred to the Chairperson of the Ethics Committee for review and further investigation. The Chairperson may pursue the investigation of this matter pursuant to the procedures used to investigate ethics complaints.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40; 90-113.44;
Eff. April 1, 2001;
Amended Eff. January 1, 2010.

21 NCAC 68 .0223 STANDARDS COMMITTEE ACTION

The Standards Committee may take any of the following actions:

- (1) Review applications for credentialing and re-credentialing;
- (2) Recommend or deny candidates for credentialing and re-credentialing;
- (3) Review curricula requirements for Board approved training events;
- (4) Review curricula requirements for Board approval of college or university courses; and
- (5) Investigate complaints of illegal practice.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40;
Eff. April 1, 2001;
Amended Eff. January 1, 2010.

21 NCAC 68 .0224 CREDENTIALING STATUS DENIED IF SERVING SENTENCE

An individual making application for a credential who is serving any part of a court-ordered sentence, including community service, supervised or unsupervised probation, or making restitution, shall be removed from the credentialing process. If any person is serving or begins serving such sentence during the course of the credentialing process, this person shall notify the Board. If a driver license revocation or suspension period results from a conviction for a DWI offense or refusal to submit to breathalyzer or blood testing, this period shall not be considered an aspect of an applicant's sentence required to be completed prior to the awarding of a credential.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40; 90-113.44;
Eff. April 1, 2001;
Amended Eff. January 1, 2010.

21 NCAC 68 .0225 SUSPENSION OF AUTHORITY AND ESCROW OF FUNDS

The Board shall file the annual reports set forth in G.S. 93B-2 no later than October 31 of each year. In the event the Board fails to file the reports as required by G.S. 93B-2 and the Board's authority to expend any funds is suspended until such time as the Board files the required reports, the Board shall deposit any fees or funds received during the period of suspension into an escrow account established by the Board solely for this purpose.

History Note: Authority G.S. 90-113.30; 90-113.33; 93B-2;
Eff. April 1, 2011.

21 NCAC 68 .0226 ARMED SERVICES EXTENSION FOR CREDENTIAL

Upon receipt of a written request by or on behalf of a credentialed substance abuse professional who is currently in good standing with the Board, is serving in the armed forces of the United States, and to whom G.S. 105-249 authorizes an extension of time to file a tax return, the Board shall postpone renewal fees, renewal application deadlines, continuing education requirements and any other requirements or conditions related to the maintenance of the credential issued by the Board or to the renewal thereof for the same period of time as the extended period of time to file a tax return that is granted pursuant to G.S. 93B-15.

History Note: Authority G.S. 90-113.30; 90-113.33; 93B-15;
Eff. April 1, 2011;
Amended Eff. June 1, 2011.

21 NCAC 68 .0227 CREDENTIAL BY ENDORSEMENT OR RECIPROCITY BASED ON MILITARY SERVICE

(a) An applicant for a substance abuse credential by endorsement or reciprocity based on military service shall have his or her training honored automatically pursuant to the standards of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Incorporated. The applicant shall apply for a credential by using the Board's credentialing software, Learning Builder, and submit to the Board:

- (1) a reciprocity application form prescribed by the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Incorporated and provided by the Board as found at its website: www.ncsappb.org that shall be found accompanying the reciprocity information on the website;
- (2) the application fee required by rule applicable to the specific credential as set forth in this Chapter;
- (3) written evidence demonstrating that the applicant has been awarded a military occupational specialty as a substance abuse professional and that the applicant has engaged in practice as a substance abuse professional for at least 1,500 clinical hours per year during at least two of the five years preceding the date of application; and
- (4) a statement disclosing and explaining the commission of any act set out in G.S. 90-113.46A, any disciplinary actions, investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges.

(b) All information required shall be received by the Board office.

(c) All applicants shall submit to the Board an electronic copy of the applicant's fingerprints as described on the Board's website.

History Note: Authority G.S. 90-113.31A(14); 90-113.33; 90-113.38; 90-113.39; 90-113.46; 90-113.46A; 93B-15.1;
Eff. August 1, 2015.

**21 NCAC 68 .0228 SUBSTANCE ABUSE CREDENTIAL BY ENDORSEMENT OR RECIPROCITY
BASED ON STATUS AS MILITARY SPOUSE**

(a) An applicant for a substance abuse credential by endorsement or reciprocity based on the applicant's status as a military spouse shall have his or her training honored automatically pursuant to the standards of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Incorporated. The applicant shall apply for a credential by using the Board's credentialing software, Learning Builder, and submit to the Board:

- (1) a reciprocity application form prescribed by the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Incorporated and provided by the Board as found at its website: <http://www.ncsappb.org> that shall be found accompanying the reciprocity information on the website;
- (2) the application fee required by rule applicable to the specific credential as set forth in this Chapter;
- (3) written evidence demonstrating that the applicant is married to an active member of the U.S. military and that such applicant:
 - (A) holds a current substance abuse credential from another jurisdiction whose standards for the credential are substantially equivalent to or greater than those required for the credential described in G.S. 90, Article 5C, this Chapter, and is the subject of the application; and
 - (B) has engaged in practice as a substance abuse professional demonstrating the scope of practice as defined by G.S. 90-113.31B for at least 1,500 hours per year during at least two of the five years preceding the date of application; and
- (4) a statement disclosing and explaining the commission of an act set out in G.S. 90-113.46A, any disciplinary actions, investigations, malpractice claims, state or federal agency complaints, judgments, settlements, or criminal charges.

(b) All information required shall be received by the Board office.

(c) All applicants shall submit to the Board an electronic copy of the applicant's fingerprints as described on the Board's website.

History Note: Authority G.S. 90-113.31A(14); 90-113.31B; 90-113.33; 90-113.38; 90-113.39; 90-113.46; 90-113.46A; 93B-15.1;
Eff. August 1, 2015.

SECTION .0300 - CLINICAL ADDICTIONS SPECIALIST

21 NCAC 68 .0301 SCOPE

The rules in this Section apply to a person seeking licensure as a clinical addictions specialist and a credentialing body of a professional discipline seeking deemed status.

History Note: Authority G.S. 113.30; 90-113.33; 90-113.36; 90-113.40; 90-113.41A;
Temporary Adoption Eff. November 15, 1997;
Eff. August 1, 1998;
Amended Eff. January 1, 2014.

21 NCAC 68 .0302 DEFINITIONS

History Note: Authority S.L. 1997, c. 492;
Temporary Adoption Eff. November 15, 1997;
Eff. August 1, 1998;
Repealed Eff. August 1, 2002.

21 NCAC 68 .0303 APPLICATION FOR DEEMED STATUS BY PROFESSIONAL DISCIPLINE

- (a) Any credentialing body of a professional discipline seeking deemed status shall forward to the board a letter of intent with a request for an application to become a deemed status organization.
- (b) The credentialing body shall provide the following:
- (1) Documentation that it meets the requirements of G.S. 90-113.41A;
 - (2) A copy of the ethical code and statement, if any, it requires its members to sign indicating that the member will comply with the discipline's code of ethics and any substantiating data that supports the ethical process of the professional discipline;
 - (3) If an examination is required by the credentialing body, documentation describing the exam process each applicant must pass in order to be awarded the professional group's substance abuse specialty credential. If the examination for the specialty is not administered by the professional group, the applicant shall pass the Board's exam for licensure.
- (c) A professional discipline granted deemed status shall provide the name of any member whose credential is revoked, suspended or denied within 60 days from the date of action.
- (d) The professional discipline, to the extent allowed by its governing law shall provide any information requested by the Board that has been submitted to the professional discipline regarding the complaint against its member, subsequent to the disposition of the complaint.
- (e) If no information has been received by the Board within six months, or the Board is not satisfied with the disposition of the complaint, the Board may initiate its own disciplinary action.

*History Note: Authority G.S.; 90-113.33; 90-113.41; 90-113.41A;
Temporary Adoption Eff. November 15, 1997;
Eff. August 1, 1998;
Amended Eff. January 1, 2014.*

21 NCAC 68 .0304 THREE-YEAR STANDARDS REVIEW OF DEEMED STATUS STANDING

- (a) The Board shall review the standards of each professional discipline every third year as required in G.S. 90-113.41A.
- (b) The Board shall send notice to the discipline 90 days in advance of the end of the three-year period following the date deemed status was granted or renewed.
- (c) The discipline shall report current standards, including an update of all information originally required.
- (d) The Board may require further substantiation and explanation of this data.

*History Note: Authority G.S. 90-113.33; 90-113.41A;
Temporary Adoption Eff. November 15, 1997;
Eff. January 1, 2014; August 1, 1998;
Amended Eff. January 1, 2014.*

21 NCAC 68 .0305 LICENSURE REQUIREMENTS FOR INDIVIDUAL APPLICANT

In addition to meeting the requirements of G.S. 90-113.40, an applicant seeking licensure as a clinical addictions specialist shall submit the following, if applicable:

- (1) Documentation of completion of:
 - (a) Six hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education;
 - (b) Six hours of professional ethics training; and
 - (c) Six hours of clinical supervision specific training.
 - (d) Six hours selected from the following list:
 - (i) Nicotine Dependence;
 - (ii) Psychopathology;
 - (iii) Evidence-Based Treatment Approaches;
 - (iv) Substance Abuse Issues in Older Adults; and
 - (v) Substance Abuse Issues Affecting Veterans.

All hours listed in Sub-items (a), (b), (c) and (d) of this Item may be included in the 180 hours completed for licensure in the core competencies by an applicant not in the deemed status.

- (2) Copy of a substance abuse specialty certificate or its equivalent;
- (3) Copy of his or her masters' or doctorate degree diploma;
- (4) Completed registration form; and

- (5) Payment of the following fees:
 - (a) All applicants who are in the deemed status group shall make payment of a non-refundable application fee of ten dollars (\$10.00) and payment of a non-refundable credentialing fee of forty dollars (\$40.00).
 - (b) All other applicants shall make payment of an application packet fee of twenty-five dollars (\$25.00) and payment of a non-refundable credentialing fee of one hundred twenty-five dollars (\$125.00).
 - (c) All applicants seeking credentialing pursuant to Criteria A, Criteria B, and Criteria C of G.S. 90-113.40(c) shall make payment of a non-refundable examination fee of one hundred twenty-five dollars (\$125.00).

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.40; 90-113.41; 90-113.43; Temporary Adoption Eff. November 15, 1997; Eff. April 1, 1999; Amended Eff. January 1, 2014; August 1, 2002.

21 NCAC 68 .0306 RENEWAL OF INDIVIDUAL LICENSURE AS CLINICAL ADDICTIONS SPECIALIST

- (a) An applicant who is in the deemed status group shall submit the following every two years:
 - (1) A completed application form and a copy of the applicant's current substance abuse licensure or its equivalent from the deemed status professional discipline.
 - (2) A non-refundable re-licensing fee of thirty-five dollars (\$35.00).
- (b) All other individual applicants shall:
 - (1) Renew licensure as classified by the criteria for their original licensing every two years.
 - (2) Document completing 40 hours of education pursuant to Section .0400 of this Chapter, during the current licensing period. A minimum of 30 hours shall be substance abuse specific. This education may include a combination of hours including attending and providing workshops.
 - (3) Meet re-licensing educational guidelines as a substance abuse professional as follows:
 - (A) No more than 25 percent may be in-service education, received within the applicant's organization by staff of the same employment.
 - (B) No more than 25 percent receiving supervision with two hours of supervision translating to one hour of education.
 - (C) No more than 25 percent of workshop presentation with one hour of presentation translating to one hour of education. Workshop presentation shall be pursuant to Rule .0213 of this Chapter.
 - (D) All applicants shall include three hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education, three hours of professional ethics training and education, and three hours of education to be selected from the list appearing in Rule.0305(1)(d) of this Section.
 - (4) Submit a completed application form with continuing education documented.
 - (5) Submit a non-refundable one hundred twenty-five dollar (\$125.00) re-licensing fee.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.37; 90-113.38; 90-113.39; 90-113.41A; 90-113.43; Temporary Adoption Eff. November 15, 1997; Eff. August 1, 1998; Amended Eff. January 1, 2014; April 1, 2003; August 1, 2002.

21 NCAC 68 .0307 REVOCATION OF CREDENTIAL WHEN CHANGE IN STATUS

- (a) Any clinical addictions specialist credentialed pursuant to deemed status who is no longer a member in good standing of his or her professional discipline may be subject to revocation of the credential.
- (b) Any clinical addictions specialist who is credentialed pursuant to the deemed status criteria may lose this credential if the professional discipline loses its deemed status standing.
- (c) Any clinical addictions specialist whose certification is obtained pursuant to the deemed status criteria and whose certification may be revoked or is revoked as a result of loss of membership in good standing with the professional discipline or loss by the professional discipline of its deemed status standing, may apply for certification pursuant to G.S. 90-113.40(c)(1), (2), or (3) or S.L. 1997, c. 492, 17 or 18. This individual shall submit

a completed application for certification within 60 days from the date notice of loss of the individual's membership or notice of the loss of deemed status by the professional group is received by the member of the professional discipline.

History Note: Authority G.S. 90-113.30; 90-113.40; 90-113.41; 90-113.41A; S.L. 1997, c. 492, s. 17; S.L. 1997, c. 492, s. 18;
Temporary Adoption Eff. November 15, 1997;
Eff. August 1, 1998.

SECTION .0400 - EDUCATION

21 NCAC 68 .0401 EDUCATION APPROVAL POLICY

(a) The Certification Board shall approve educational events for professional certification or certification renewal. One certified hour is defined as one contact hour of participation in an organized education experience under sponsorship approved in accordance with these rules.

(b) The Certification Board shall review and approve all education used to meet the certification requirements.

(c) Approval may be requested by an individual applicant or by a sponsor or presenter. If the sponsor does not obtain credit from the Certification Board, the individual participants shall be responsible for supplying all of the required information for each session at the time of request for certification, recertification, or conversion. The Standards and Credentials Committee shall review requests once monthly.

(d) To insure a determination of a request prior to the date of presentation, sponsors, presenters, or individuals shall submit requests 45 days prior to opening day of the event.

History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.40;
Eff. August 1, 1996.

21 NCAC 68 .0402 GENERAL GUIDELINES

(a) The guidelines set forth in this section shall apply to each approval request for obtaining credit for didactic and academic hours for course, curricula, and training events held January 1, 1987 or thereafter.

(b) The following information and standards shall be required:

- (1) Title of course, date, location, sponsor (individual or organization), and whether it shall be held only once or periodically;
- (2) The name of the presenter(s) and a resume outlining his or her expertise in the subject area and content of the session;
- (3) A sufficient description of the contents of a track, course, seminar, or other unit of academic pursuit and the type of credit hours being requested to indicate if it is substance abuse specific or general skill building;
- (4) An agenda reflecting the breakdown of time including a 15 minute break for every two hours of education and amount of time allowed for meals;
- (5) Each application for training approval may include a copy of the objective evaluation tool to be used;
- (6) The summary of evaluations may be submitted to the Board within 45 days following the program date(s).

(c) The Certification Board shall have the right to review programs by sending a Certification Board member or designee to monitor the event or a portion of the event. When fulfilling this quality assurance role, the designated person shall present a letter of introduction to the presenter.

(d) Certification hours shall be awarded only for actual hours attended.

(e) Certificates shall not be released until the event ends and they shall be modified to reflect actual hours completed.

- (f) Providers of Board approved events shall be required to document attendance at individual events for schools, courses, curricula and conferences.
- (g) Event sponsors shall maintain attendance and evaluation records for no less than three years.
- (h) Training approved by International Certification and Reciprocity Consortium (ICRC) member boards shall be accepted with documentation of completion.

History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.40;
Eff. August 1, 1996.

21 NCAC 68 .0403 EMPLOYER INSERVICE EVENT

- (a) An employer inservice event shall be a training session that shall be provided by the applicant's employer for the purpose of professional certification and it shall be approved by the Board for this purpose as with other training events.
- (b) An applicant's military employment shall be considered inservice training.

History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.40;
Eff. August 1, 1996.

21 NCAC 68 .0404 CREDIT DENIAL OR LIMITATION

- (a) Credit shall not be given for the following:
 - (1) Presentations given by banquet speakers unless the content meets the requirements described in this Section;
 - (2) One's own case presentation required for certification; or
 - (3) Registration time.
- (b) The Board shall revise or rescind credit hours if information is received documenting that a previously approved event was not presented as it was approved.

History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.40;
Eff. August 1, 1996.

21 NCAC 68 .0405 SPONSOR GUIDELINES

- (a) Sponsors or presenters shall submit requests for approval prior to the event and shall allow the Board 45 days for review and approval. Requests by sponsors or presenters postmarked after the event has taken place shall not be reviewed or approved by the Board, but shall be returned. Documentation of the event attendance shall then be submitted by each individual at the time request is made for certification or recertification or conversion.
- (b) All approvals from the Board shall be in writing and shall include the event approval number.
- (c) Sponsors shall be responsible for providing a certificate of attendance which includes the approval number and number of approved education hours.
- (d) Any event given on a recurring basis, as in the example of college courses, may be given approval on a yearly basis. Renewal of credit approval shall be based on submission of a letter by the sponsor or presenter documenting no change in course content. Any changes in content or method shall be submitted for review and approval in order to maintain prior approval. When changes have been made in content, method or agenda, the fee shall be the same as for a new event.
- (e) Fees for review and approval of events:
 - (1) For 1-10 hours of instruction the Board shall impose a fee of twenty-five dollars (\$25.00);
 - (2) For 11-20 hours of instruction the Board shall impose a fee of fifty dollars (\$50.00);
 - (3) For 21-30 hours of instruction the Board shall impose a fee of seventy-five dollars (\$75.00);
 - (4) For 31-40 hours of instruction the Board shall impose a fee of one hundred dollars (\$100.00);

- (5) For 41-50 hours of instruction the Board shall impose a fee of one hundred twenty-five dollars (\$125.00);
- (6) For 51-100 hours of instruction the Board shall impose a fee of one hundred fifty dollars (\$150.00).
- (7) For greater than 100 hours of instruction the Board shall impose a fee greater than one hundred fifty dollars (\$150.00) and those additional charges shall be imposed in incremental amounts as set forth in Subparagraphs (e)(1) through (6) of this Rule, not to exceed three hundred dollars (\$300.00).

*History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.38; 90-113.40;
Eff. August 1, 1996.*

21 NCAC 68 .0406 PROCEDURES FOR APPROVAL OF SELF-STUDY COURSES

- (a) Self-study courses may be submitted for approval for certification and recertification hours.
- (b) A copy of all documents including test and documentation of completion shall be submitted with the application.
- (c) No more than 50% of hours may be credited through self-study programs.
- (d) Self-study courses may not be repeated for credit.
- (e) A fee of one hundred fifty dollars (\$150.00) shall be submitted for each course by the vendor for pre-approval by the Board. Pursuant to G.S. 90-113.39, approval is for one year from the date the Certification Board approves the application.
- (f) Self study approved by IC&RC/AODA, Inc. member boards and organizations granted deemed status shall be accepted with documentation of completion.

*History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.38; 90-113.39; 90-113.40;
Eff. August 1, 1996;
Amended Eff. April 1, 2003.*

21 NCAC 68 .0407 APPLICANT GUIDELINES

- (a) After January 1, 1985, to gain credit for an applicant's education for certification, recertification or conversion, the applicant shall provide the event approval number and proper documentation of attendance which includes:
 - (1) Certificate of attendance; or
 - (2) Training cards or sheets signed by a sponsor or presenter.
- (b) Documents not acceptable to establish that an applicant has received continuing education are as follows:
 - (1) Canceled checks;
 - (2) Receipts;
 - (3) Letters from supervisors who were non-participants in the course; or
 - (4) Program schedules.
- (c) If the sponsor failed to obtain approval for an event, the applicant shall be responsible for supplying the required information for each session as stated in Rule .0402 of this Section.
- (d) To gain credit for didactic or academic hours of continuing education events held prior to January 1, 1985, the following standards apply:
 - (1) The Board shall accept education previously approved by the former N.C. Alcoholism Certification Board and N.C. Drug Abuse Professional Certification Board.
 - (2) Events held between January 1, 1980 and December 31, 1984 shall include all of the information required pursuant to Rule .0402 of this Section, except the resume of the presenter.
 - (3) Events held prior to January 1, 1980 may be approved if a description of the material, method, number of hours and presenter's name is provided by the applicant.
- (e) It is the responsibility of the individual applicant to put together a package of hours in accordance with criteria contained herein. Sixty hours of education shall be completed within the two years immediately prior to request for certification or recertification or conversion. There shall be no time frame on the remaining required hours for certification, to include conversion.
- (f) Inservice events shall be identified as such.

- (g) If a page of material is received from the applicant which does not comply with the above requirements, it shall be returned to the applicant.
- (h) Request for approval shall be mailed to the Board.

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.37; 90-113.40;
Eff. August 1, 1996.*

SECTION .0500 - ETHICAL PRINCIPLES OF CONDUCT FOR THE SUBSTANCE ABUSE PROFESSIONAL

21 NCAC 68 .0501 PURPOSE AND SCOPE

- (a) The ethical principles governing the credentialed substance abuse professional are established to protect the public health, safety and welfare.
- (b) The primary goal of this code is to set forth principles to guide the conduct of the substance abuse professional. The Board may deem violation of these standards malpractice, negligence, incompetence, or engaging in conduct that could result in harm or injury to the public.
- (c) Ethical principles shall provide a standard for the substance abuse professional in his or her professional roles, relationships and responsibilities.
- (d) Upon submission of an application for a credential, each applicant shall review the ethical standards in these Rules, sign the "Applicant's Code of Ethical Conduct" form, and return it to the Board agreeing to uphold the ethical principles of conduct.

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40;
Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Amended Eff. January 1, 2010.*

21 NCAC 68 .0502 NON-DISCRIMINATION

The substance abuse professional shall consider the issue of discrimination against clients or professionals based on race, religion, age, sex, handicaps, national ancestry, sexual orientation or economic condition, but in all cases the professional shall not discriminate on any basis prohibited by federal or state law.

*History Note: Filed as a Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 90-113.30; 90-113.33; 90-113.40;
Eff. February 1, 1996.*

21 NCAC 68 .0503 COMPETENCE

- (a) The substance abuse professional shall employ the requisite knowledge, skill and proficiencies of a substance abuse practitioner competently providing services within his or her scope of practice.
- (b) The substance abuse professional shall strive to learn about cultural and ethnic values in order to provide the highest level of care for a client who possesses a diverse or unfamiliar cultural or ethnic background.
- (c) The substance abuse professional shall provide the necessary interpretive services to any client or refer the person for necessary services.
- (d) The substance abuse professional shall assist in eliminating prevention, intervention, treatment, and supervision practices by persons unqualified or unauthorized to practice in the field.
- (e) The substance abuse professional who knows of unethical conduct or of unprofessional practices by a substance abuse professional shall report such violations to the Board.
- (f) The substance abuse professional shall recognize boundaries and limitations of his or her competencies and not offer services or use techniques outside of his or her professional competencies and scope of practice.

- (g) The substance abuse professional who identifies a need for services outside his or her skill, training or experience shall refer the client to an appropriate professional or shall seek supervision and training to provide the required services for the individual.
- (h) The substance abuse professional shall complete reports and record keeping functions in a manner that supports the client's treatment experience and welfare.
- (i) The substance abuse professional shall recognize the negative impact impairment has on his or her functioning in public and professional performance and shall seek an assessment by a Board-approved provider and follow the recommendations.
- (j) No applicant shall be credentialed as a substance abuse professional who is serving any part of a court-ordered sentence as specifically prohibited by 21 NCAC 68 .0224.

History Note: Authority G.S. 90-113.30; 90-113.34; 90-113.36; 90-113.37; 90-113.39; 90-113.40; 90-113.41; 90-113.43; 90-113.44;
Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Amended Eff. January 1, 2010; April 1, 2001; August 1, 2000.

21 NCAC 68 .0504 LEGAL STANDARDS AND ETHICAL STANDARDS

- (a) The substance abuse professional shall not claim or imply educational, experiential or professional qualifications or affiliations that the substance abuse professional does not possess.
- (b) The substance abuse professional shall not use membership on the North Carolina Substance Abuse Professional Practice Board for purposes that are not consistent with these Rules. No Board member shall advertise, promise, or provide special treatment to any individual because of membership on the North Carolina Substance Abuse Professional Practice Board or its committees.
- (c) The substance abuse professional shall not lend his or her name to or participate in any professional or business relationship that may knowingly mislead the public.
- (d) The substance abuse professional shall follow established guidelines on research with human subjects when he or she engages in such research.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.43; 90-113.44; 90-113.45;
Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Amended Eff. January 1, 2010; April 1, 2001.

21 NCAC 68 .0505 EDUCATION AND TRAINING STANDARDS

- (a) The substance abuse professional shall be prepared to provide the source for any materials or techniques used when making either public statements or providing education and training.
- (b) The substance abuse professional shall not knowingly make false, deceptive, or fraudulent statements concerning his or her:
 - (1) Training, experience, or competence;
 - (2) Academic degrees;
 - (3) Credentials;
 - (4) Institutional or association affiliations;
 - (5) Services;
 - (6) Fees;
 - (7) Publications or research findings; and
 - (8) Scientific or clinical basis for, or results or degree of success of his or her services.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.44;
Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Amended Eff. January 1, 2010; April 1, 2001.

21 NCAC 68 .0506 PUBLICATION CREDIT

The substance abuse professional shall assign credit to all who have contributed to the published material and for the work upon which the publication is based.

- (1) The substance abuse professional shall recognize joint authorship, major contributions of a professional character, made by several persons to a common project. The author who has made the principle contribution to a publication shall be identified as a first listed.
- (2) The substance abuse professional shall acknowledge in footnotes or an introductory statement minor contribution of a professional character, extensive clerical or similar assistance and other minor contributions.
- (3) The substance abuse professional shall acknowledge, through specific citations, unpublished, as well as published material, that has directly influenced the research or writing.
- (4) The substance abuse professional who compiles and edits for publication the contributions of others shall list oneself as editor, along with the names of those others who have contributed.

History Note: Filed as a Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Authority G.S. 90-113.30; 90-113.33; 90-113.44; Eff. February 1, 1996.

21 NCAC 68 .0507 CLIENT WELFARE

- (a) The substance abuse professional shall protect the safety and welfare of the client.
- (b) The substance abuse professional shall inform clients of the nature and direction of loyalties and responsibilities and keep all parties participating in the client's care informed of these commitments.
- (c) The substance abuse professional, in the presence of professional conflict, shall be concerned primarily with the welfare of the client.
- (d) The substance abuse professional shall withdraw services only after giving consideration to all factors in the situation and taking care to minimize adverse actual or possible effects.
- (e) The substance abuse professional shall, after minimizing any adverse impact, end a counseling or consulting relationship when the professional knows or should know that the client is not benefiting from services.
- (f) The substance abuse professional who anticipates the cessation or interruption of service to a client shall notify the client promptly and seek the cessation, transfer, referral, or continuation of service in relation to the client's needs and preferences.
- (g) The substance abuse professional shall not use a client in a demonstration where such participation would foreseeably harm the client.
- (h) The substance abuse professional shall deliver services in a setting that respects client privacy and confidentiality.
- (i) The substance abuse professional shall collaborate with other health care professionals providing treatment or support services to a client.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40; 90-113.43; 90-113.44; Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. February 1, 1996; Amended Eff. January 1, 2010; April 1, 2001; August 1, 2000.

21 NCAC 68 .0508 CONFIDENTIALITY

- (a) The substance abuse professional shall protect the privacy of current and former clients and shall not disclose confidential information without prior consent.
- (b) The substance abuse professional shall inform the client and obtain written permission for the use of interview material for training purposes and observation of an interview.
- (c) The substance abuse professional shall make provisions for the maintenance of confidentiality and the ultimate disposition of confidential records. These provisions shall be consistent with the prohibition against disclosure of records or other information concerning any client in a federally-assisted alcohol or drug abuse program as it

appears in 42 C.F.R., Part 2, 42 U.S.C. 290ee-3, the HIPAA Privacy Rule appearing in 45 CFR Sections 160 and 164 and State law.

(d) The substance abuse professional shall disclose confidential information only:

- (1) when there is clear and imminent danger to the client or to other persons or a medical emergency and then only to the appropriate professional worker or public authorities;
- (2) when compelled by law to provide such information;
- (3) with a proper consent form in writing issued pursuant to 42 C.F.R., Part 2, 42 U.S.C. 290ee-3; or
- (4) for internal program communications and communications that do not disclose patient-identifying information.

(e) With prior written consent the substance abuse professional shall discuss the information obtained in a clinical or consulting relationship only in a professional setting and only for a professional purpose concerned with the case. Written and oral reports shall present only data germane to the purpose of the evaluation.

(f) The substance abuse professional shall use material in classroom teaching and writing only when the identity of the person involved is disguised adequately to prevent disclosure or documented permission is given by the party or the information is in the public domain.

*History Note: Authority G.S. 90-113.30; 90-113.43; 90-113.44;
Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Amended Eff. January 1, 2010; April 1, 2001.*

21 NCAC 68 .0509 CLIENT RELATIONSHIPS

(a) The substance abuse professional shall not enter into a client/professional relationship with members of one's immediate family. For the purpose of this Rule "immediate family" means spouse, parent, sibling, child, grandparent, grandchild, stepchild, stepparent, parent-in-law, and child-in-law.

(b) The professional shall avoid dual relationships that could impair professional judgment or increase the risk of exploitation of a client.

(c) Sexual activity or sexual contact of a substance abuse professional with a client shall be restricted as follows:

- (1) The substance abuse professional shall not engage in or solicit sexual activity or sexual contact with a current client.
- (2) The substance abuse professional shall not engage in or solicit sexual activity or sexual contact with a former client for five years after the termination of the counseling or consulting relationship.
- (3) The substance abuse professional shall not engage in or solicit sexual activity or sexual contact with any client the professional knows to be currently in treatment at his or her own agency or place of professional employment.
- (4) The substance abuse professional shall not knowingly engage in or solicit sexual activity or sexual contact with any identified former client of his or her own agency or place of professional employment for five years after the termination of the counseling or consulting relationship if both the professional was employed at the agency and the former client was a client of the agency during the same time period.
- (5) Because sexual activity with a client is harmful to the client, a substance abuse professional shall not engage in sexual activities with a former client even after a five-year interval unless the substance abuse professional who engages in such activity after the five years following cessation or termination of treatment bears the burden of demonstrating that there has been no harm to the client in light of all relevant factors, including the following:
 - (A) The amount of time that has passed since treatment services were terminated;
 - (B) The nature and duration of the treatment services;
 - (C) The circumstances of termination;
 - (D) The client's personal history;
 - (E) The client's current mental status;
 - (F) The likelihood of adverse impact on the client and others; and
 - (G) Any statement made or action taken by the substance abuse professional during the course of treatment suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.

(d) The substance abuse professional shall not misuse his or her professional relationship for sexual, financial, or any other personal advantage.

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.44;
Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Amended Eff. February 1, 2010; April 1, 2001; August 1, 2000.*

21 NCAC 68 .0510 INTERPROFESSIONAL RELATIONSHIPS

- (a) The substance abuse professional shall treat colleagues with respect, courtesy and fairness and shall afford the same professional courtesy to other professionals.
- (b) The substance abuse professional shall not offer professional services to a client in counseling or consulting with another professional except with the knowledge of the other professional or after the termination of the client's relationship with the other professional.
- (c) The substance abuse professional shall cooperate with duly constituted professional ethics committees and promptly supply necessary information unless prohibited by law.

*History Note: Filed as a Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 90-113.30; 90-113.33; 90-113.44;
Eff. February 1, 1996;
Amended Eff. April 1, 2001.*

21 NCAC 68 .0511 REMUNERATION

- (a) The substance abuse professional shall establish financial arrangements in professional practice and in accord with the best interests of the client or person served, the professional and of the profession.
- (b) The substance abuse professional shall not send or receive any commission, rebate, or any other form of remuneration for referral of a client or a person served for professional services.
- (c) The substance abuse professional shall not accept a private fee or any other gift or gratuity having a cumulative value of twenty-five dollars (\$25.00) or more for professional work with a person who is receiving such services with the professional or through the professional's institution or agency.
- (d) A particular agency may make written provisions for private work with its clients or persons served by members of its staff and in such instances the client or person served shall be apprised of all policies affecting him or her. Additional referral options shall be presented to the client or person served if available.
- (e) A substance abuse professional shall not use his or her employer's organization to solicit clients or persons served for one's private practice without written authorization from the employer.

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.44;
Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Amended Eff. February 1, 2010; April 1, 2001; August 1, 2000.*

21 NCAC 68 .0512 RESPONSIBILITIES OF SUPERVISOR AND SUPERVISEE

- (a) A professional who has received a credential from the Board and who is serving as a clinical or practice supervisor shall:
 - (1) Be aware of his or her position with respect to supervisees and therefore not exploit the trust and reliance of such persons.
 - (2) Avoid dual relationships that could impair professional judgment, increase the risk of exploitation, or cause harm to the supervisee. To implement this standard the supervisor shall not:
 - (A) Instruct or supervise a person with whom the supervisor has participated in a sexual activity; a person living in the supervisor's household; or a family member who is related to the supervisor as a child, parent, grandchild, sister, brother, grandparent, spouse, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, stepmother, stepfather, brother-in-law, sister-in-law, spouse's grandparent, spouse's

grandchild, grandchild's spouse, or spouse of a grandparent. A supervisor is related to an aunt, uncle, great aunt, or great uncle only if that relative is the sibling of the person's parent or grandparent.

- (B) Provide therapy or therapeutic counseling services to supervisees; or
 - (C) Solicit or engage in sexual activity or contact with supervisees during the period of supervision.
- (3) Be trained in and knowledgeable about supervision methods and techniques.
 - (4) Supervise or consult only within his or her knowledge, training, and competency.
 - (5) Guide his or her supervisee to perform services responsibly, competently, and ethically. As authorized by the supervisee's employer, the supervisor shall assign to his or her supervisees only those tasks or duties that these individuals can be expected to perform competently, based on the supervisee's education, experience, or training, either independently or with the level of supervision being provided.
 - (6) Not disclose the confidential information provided by a supervisee except:
 - (A) As mandated by law;
 - (B) To prevent harm to a client or other person involved with the supervision;
 - (C) In educational or training settings where there are multiple supervisors, and then only to other supervisors who share responsibility for the performance or training of the supervisee; or
 - (D) If consent is obtained.
 - (7) Establish and facilitate a process for providing evaluation of performance and feedback to a supervisee. To implement this process the supervisee shall be informed of the timing of evaluations, methods, and levels of competency expected. Supervision documentation shall be signed by the supervisor and supervisee and include the date, time, duration, method, and topic of the supervision session.
 - (8) Not endorse supervisees for credentialing, employment, or completion of an academic training program if they believe the supervisees are not qualified for the endorsement. A supervisor shall develop a plan to assist a supervisee who is not qualified for endorsement to become qualified.
 - (9) Make financial arrangements for any remuneration with supervisees and organizations only if these arrangements are in writing. All fees shall be disclosed to the supervisee prior to the beginning of supervision.
- (b) The Supervisor of record shall provide notice to the office of the Board within 30 days from the date of the last session of clinical supervision that supervision has terminated. Upon receipt of this notice, as soon as is practicable, the Board shall mail a certified notice to the supervisee that he or she has 30 days to obtain supervision to retain the current credential. The supervisee shall provide the Board with a Board-approved supervision contract signed and dated by the supervisor and supervisee to maintain the supervisee's credential. This contract shall be postmarked, indicating that it was mailed to the office within the 30-day time period after receipt of the certified notice from the Board.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.39; 90-113.40; Eff. April 1, 2003; Amended Eff. January 1, 2014; January 1, 2010.

SECTION .0600 – GROUNDS FOR DISCIPLINE AND DISCIPLINARY PROCEDURES

21 NCAC 68 .0601 GROUNDS FOR PROFESSIONAL DISCIPLINE

The following are grounds for discipline:

- (1) Fraud or misrepresentation in procuring or maintaining a credential:
 - (a) Acting as to practice, attempt to practice, or to supervise others while representing oneself to be a credentialed substance abuse professional without being duly credentialed;
 - (b) Falsely representing material fact to procure or maintain a credential, whether by word or conduct;
 - (c) Concealing requested information contained in the application;
 - (d) Attempting to file or filing any false or forged diploma, certificate, affidavit, transcript, identification or qualification;
 - (e) Submitting material which is not the work product of the applicant;

- (f) Knowingly assisting another to procure or maintain his or her credential on the basis of fraud; or
- (g) Assisting any uncredentialed person to practice as a credentialed substance abuse professional in violation of this code.
- (2) Fraud or misrepresentation to the public:
 - (a) Knowingly make misleading, deceptive, false, or fraudulent misrepresentations in the practice of the profession; or
 - (b) Advertising or holding oneself out to the public to provide professional services for which he or she is not credentialed; or
 - (c) Pursuing an illegal practice as set forth in G.S. 90-113.43.
- (3) Knowingly make misleading, deceptive, false, or fraudulent representations to the Board.
- (4) Exploitation of a relationship with client or person served:
 - (a) Entering into a professional relationship in violation of Rule .0509 of this Chapter;
 - (b) Participating in or soliciting sexual activity or sexual contact with a current or former client or client of one's agency in violation of Rule .0509 of this Chapter;
 - (c) Entering into personal financial arrangements with a client or person served in violation of Rule .0511 or any other Rule.
- (5) Illegal acts or practices:
 - (a) Violation of federal or state confidentiality statutes;
 - (b) Conviction for violating any controlled substances law or any driving while impaired law; or
 - (c) Being an accessory to or participating in dishonesty, fraud, misrepresentation or any other illegal act involving a client or person served.
- (6) Professional incompetency or failure to meet standards of practice:
 - (a) Failure to follow the standards of skill and competence possessed and applied by professional peers certified in this State acting in the same or similar circumstances;
 - (b) Practicing outside his or her scope of practice;
 - (c) Use of drugs including alcohol to the extent that professional competency is affected or that the professional suffers impairment;
 - (d) Refusal to seek treatment for chemical dependency or mental health problems which impair professional performance; or
 - (e) Engaging in conduct that an ordinary, reasonable, and prudent person could foresee would result in harm or injury to the public.
- (7) In professional relationships, the following are prohibited:
 - (a) Knowingly offering professional services to a client in a professional relationship with another substance abuse professional except with the knowledge of the other professional or after the termination of the client's relationship by the other professional;
 - (b) Sending or receiving any form of remuneration for referral of clients or persons served for substance abuse services from the professional to whom the referral was made;
 - (c) Accepting from or charging the client a fee for a referral to another substance abuse professional;
 - (d) Accepting or charging a fee when no substance abuse professional services are actually provided; except actual costs for copies and administrative services may be recovered; or
 - (e) Failing to cooperate with the investigations and proceedings of any professional ethics committee unless the failure is within the exercise of the professional's constitutional rights.

History Note: Authority G.S. 90-113.33; 90-113.37; 90-113.39; 90-113.40; 90-113.42; 90-113.43; 90-113.44; 90-113.45; 90-338;
 Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. February 1, 1996;
 Amended Eff. April 1, 2011; August 1, 2000.

- (a) Initiation. Any individual with personal knowledge that any person has violated the code of ethics, any other rules of the Board, or G.S. 90, Article 5C may file a complaint against the substance abuse professional by submitting a written complaint.
- (b) Form. The complaint shall be in writing, stating the nature of the alleged offense and signed by the complainant. The complaint shall include:
- (1) The name, address, and telephone number of the complainant;
 - (2) The name and address of the person against whom the complaint is made;
 - (3) A statement of the facts that describes the allegations against the person.
- (c) The complaint shall be investigated as set out in Rule .0603.
- (d) Following an investigation of the complaint, the ethics chairperson shall try to reach a settlement through informal procedures pursuant to G.S. 150B-22.
- (e) Once the ethics committee concludes there is a basis to schedule a disciplinary hearing before the Board, the committee chairperson shall notify the person against whom the complaint is made. The notice to the respondent shall include the following:
- (1) State the section(s) of the code of ethics, other rules of the Board, or G.S. 90, Article 5C which the complaint alleges has been violated;
 - (2) Direct that the respondent reply in writing and by certified mail within 15 days of receipt of this notice;
 - (3) Inform the respondent that failure to respond in writing within 15 days may result in revocation of credential.
- (f) Whenever practicable, notice shall be given by personal service or by certified mail at the last known address of the respondent. If given by certified mail, it shall be deemed to have been given on the delivery date appearing on the return receipt.
- (g) If notice cannot be given either by personal service or by certified mail, a notice that a complaint has been brought against the respondent shall then be given by publication. A party that cannot with due diligence be served by personal delivery or certified mail may be given notice to respond to a complaint by publication. Service of notice by publication shall consist of publishing a notice by publication once a week for three successive weeks in a newspaper that is qualified for legal advertising in accordance with G.S. 1-597 and G.S. 1-598 and circulated in the area where the party to be served is believed by the serving party to be located, or if there is no reliable information concerning the location of the party then in a newspaper circulated in the county of respondent's last address provided to the Board by the respondent. There shall be mailed to the party at or immediately prior to the first publication a copy of the notice to respond by publication to the respondent's last known address. Upon completion of such service there shall be filed with the Board by the ethics committee chairperson an affidavit showing the publication and mailing substantially in accordance with the requirement of G.S. 1-75.10(2), the circumstances warranting the use of service by publication, and information, if any, regarding the location of the party served. The notice shall include a statement by the Board that a complaint has been made against the respondent that is scheduled to be heard by the Board within 90 days. The notice shall inform respondent that respondent shall be given 30 days from the date of the last date of publication in which to respond to the service by publication for the purpose of notifying the Board of respondent's whereabouts. Response shall be made in writing to the Board at the address provided by the Board in its notice. If respondent provides the Board with information whereby respondent can be served by the deadline specific in the notice, the Board shall provide notice either personally or by certified mail as provided in Paragraph (d) of this Rule. Failure of respondent notified by publication of a complaint brought by the Board shall be treated as a failure of respondent to reply to the charges.
- (h) Failure of the respondent to reply to the charges, including each specific allegation, may be considered an admission of the facts contained in the allegation(s).

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.44; 113.45;
Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Amended Eff. April 1, 2011; August 1, 1998.*

21 NCAC 68 .0603 INVESTIGATION OF COMPLAINT

- (a) The ethics committee chairperson, in consultation with the executive director or his or her designee and legal counsel, shall investigate the allegations in the complaint. The chairperson may appoint any person(s) or name a subcommittee to serve as the investigating entity to prepare an investigative report.

- (b) The investigating entity may contact the complainant and person against whom the complaint is made.
- (c) Upon completion of the investigation, the ethics committee chairperson in consultation with the investigating entity may determine that:
 - (1) The complaint is without merit. The chairperson shall notify the complainant that the complaint is dismissed and may notify the respondent of the dismissal;
 - (2) Upon completion of an investigation wherein the complaint is not dismissed, the ethics committee chairperson may:
 - (A) Offer an informal resolution pursuant to G.S. 150B-22;
 - (B) Schedule a meeting with the respondent;
 - (C) Refer the report to the ethics committee or its hearing panel;
 - (D) Schedule a hearing before the Board; or
 - (E) The chairperson may take a voluntary dismissal of the case where the respondent relinquishes his or her credential for an agreed upon period of time.
- (d) The ethics committee members or its subcommittee shall review a report referred by the ethics chairperson and may take any of the following actions:
 - (1) Dismiss the complaint;
 - (2) Remand the matter to the investigating entity in order to obtain additional evidence sufficient upon which to base a decision;
 - (3) Make a written offer of informal resolution;
 - (4) Schedule a meeting with the respondent whereby the dispute may be settled through informal procedures; or
 - (5) Schedule a disciplinary hearing before the Board.

History Note: Authority G.S. 90-113.33; 90-113.34; 90-113.44;
 Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. February 1, 1996;
 Amended Eff. April 1, 2011; August 1, 1998.

21 NCAC 68 .0604 HEARING BEFORE BOARD

- (a) A hearing shall be initiated:
 - (1) At the call of the ethics chairperson, ethics committee or ethics hearing panel in the case of a complaint against a credentialed professional; or
 - (2) By any person pursuant to G.S. 150B, Article 3A on appeal of an agency decision.
- (b) The hearing shall be conducted pursuant to G.S. 150B, Article 3A.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.44; 90-113.45;
 Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
 Eff. February 1, 1996;
 Amended Eff. April 1, 2011.

21 NCAC 68 .0605 METHOD OF DISCIPLINE

- (a) In the course of the disciplinary investigation or hearing the Board may:
 - (1) Deny a credential;
 - (2) Revoke a credential;
 - (3) Suspend a credential until further order of the Board or for a specified period of time;
 - (4) Admonish, reprimand, or censure the Respondent; or
 - (5) Take other actions not to be considered a disciplinary action, including a letter of caution or letter of warning with the consent of the Respondent.
- (b) Disciplinary or other actions by the Board with the Respondent's consent may be stayed for an additional period of time while the Respondent satisfies all of the conditions of the consent order based on the Respondent's failure to complete the order for reasons outside the Respondent's control.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.37; 90-113.43; 90-113.44; 90-113.45;

Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Amended Eff. April 1, 2011.

21 NCAC 68 .0606 EFFECT OF ACTIONS OF COURT OR OF OTHER PROFESSIONAL GROUPS

(a) If a person credentialed or applying for a credential from the Board has been disciplined by another professional organization or convicted of a felony or a misdemeanor, the ethics committee or the Board may take this prior record into consideration when imposing disciplinary sanctions.

(b) When such prior discipline is discovered, it shall be referred to the ethics committee and shall be treated by the ethics committee in the same manner as a complaint.

(c) Such prior discipline or conviction as described in Paragraph (a) of this Rule shall be presumed to be correct and appropriate. In order to overcome this presumption, the respondent shall prove to the committee's or the Board's satisfaction at least one of the following:

- (1) The process was so flawed that the finding of the court, organization or board is without basis; or
- (2) Following an investigation by the Board, the disciplinary action by the court, organization or board does not bear a reasonable relation to the conduct complained of resulting in undue punishment.

(d) Registrants and certified professionals shall notify the Board within 30 days from the date of any conviction or finding of guilt, or pleading of nolo contendere for all criminal convictions. This reporting shall include DWI convictions but exclude all other traffic convictions pursuant to G.S. 20.

(e) Failure to report these criminal convictions shall be considered a violation of the ethical principles of conduct.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40; 90-113.43; 90-113.44; 90-113.45;
Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Amended Eff. April 1, 2011; April 1, 2003.

21 NCAC 68 .0607 DISCRETION OF BOARD

The following factors may be considered by the Board in determining the nature and severity of the disciplinary sanctions to be imposed:

- (1) The relative seriousness of the violation as it relates to assuring the citizens of North Carolina a consistently high standard of professional service and care;
- (2) The facts of the particular violation;
- (3) Any extenuating circumstances or other countervailing considerations;
- (4) The number and seriousness of prior violations or complaints;
- (5) Whether remedial action has previously been taken;
- (6) Likelihood of reoccurrence; or
- (7) Other factors which may reflect upon the competency, ethical standards, and professional conduct of the individual.

History Note: Filed as a Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 90-113.33; 90-113.43; 90-113.44;
Eff. February 1, 1996.

21 NCAC 68 .0608 CONFIDENTIALITY

(a) Except to pursue notification of respondent of a complaint as set out in Rule .0602 of this Section and to share necessary information with the complainant and others involved in the investigation, at no time prior to the release of the final decision by the Board shall any portion of the action or the whole thereof, be made public or be distributed to any persons other than the members and chairperson of the involved committees, the Committee on Ethics, and its staff.

(b) Notwithstanding Paragraph (a) of this Rule, all materials shall be released as required by the Administrative Procedure Act.

History Note: Filed as a Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 90-113.30; 90-113.33; 90-113.34;
Eff. February 1, 1996;
Amended Eff. August 1, 1998.

21 NCAC 68 .0609 PETITION FOR REOPENING CASE

(a) If a party, upon proper notice fails to appear, the hearing may proceed without the party. However, if the inquiry is conducted or a decision is reached in an administrative hearing in the absence of a party, or if a dismissal is entered prior to the granting of one continuance to the person petitioning for reopening the case, that party may file a written petition with the Board for a reopening of the case. The petition caption shall be entitled: "Petition for Reopening Hearing of Respondent."

(b) Petitions for reopening a contested case shall not be granted unless the petitioner can show that his or her failure to appear was justified and unavoidable and that fairness requires reopening the case.

(c) The decision of the Board to grant or deny the petition to reopen shall be in writing and a copy shall be sent to the petitioner and made a part of the record of the hearing.

History Note: Filed as a Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.40; 90-113.44; 90-113.45;
Eff. February 1, 1996.

21 NCAC 68 .0610 AWARDING THE CREDENTIAL FOLLOWING DENIAL

(a) Upon a showing that there are circumstances that could establish a basis for reinstatement or otherwise awarding a credential following its denial, the Board may grant such permission.

(b) A request for reinstatement or otherwise awarding the credential following its denial shall be initiated by the respondent.

(c) A letter of application for reinstatement or otherwise awarding the credential following its denial shall present facts which, if established, shall be sufficient to enable the Board to determine that the basis for the sanction no longer exists.

(d) To determine that there is a basis reinstating or awarding a credential, the Board may consider:

- (1) The nature of the offense;
- (2) The severity of the offense;
- (3) Any resulting harm or injury to the public and its extent;
- (4) The length of time since the punishment was imposed;
- (5) Restitution made; and
- (6) Any other factor the Board considers relevant.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.37; 90-113.39; 90-113.40; 90-113.44; 90-113.45;
Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. February 1, 1996;
Amended Eff. April 1, 2011.

21 NCAC 68 .0611 PROOF OF REHABILITATION

(a) As used in G.S. 90-113.44 and elsewhere, rehabilitation shall be sustained and continuous for at least six months.

(b) Upon consideration of the evidence evaluated as set forth in Paragraph (c) of this Rule, the required rehabilitation may be extended pursuant to the treatment recommendations as approved by the Board.

(c) Evidence for consideration shall include:

- (1) Documentation of treatment history including all assessments, evaluations, treatment, counseling, and group experiences;
- (2) Complete criminal record;
- (3) A comprehensive biopsychosocial and medical assessment that includes evidence of physical, mental, psychological and social functioning;
- (4) Medical diagnosis and treatment history and functioning prognosis;
- (5) Relapse; and
- (6) Whether or not the respondent cooperated with the Board's investigation, to include self-reporting the violation.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40;
Eff. August 1, 2002;
Amended Eff. April 1, 2011.

21 NCAC 68 .0612 RESERVED FOR FUTURE CODIFICATION

21 NCAC 68 .0613 RESERVED FOR FUTURE CODIFICATION

21 NCAC 68 .0614 RESERVED FOR FUTURE CODIFICATION

21 NCAC 68 .0615 INFORMAL PROCEEDINGS

(a) In addition to formal hearings pursuant to G.S. 90-113.33 and G.S. 90-113.34, the Board may conduct informal proceedings in order to settle certain matters of dispute. A substance abuse professional practicing pursuant to a credential or other authority granted by the Board may be invited to attend a meeting with the Board or a committee of the Board on an informal basis to discuss matters as the Board may advise in its communication to the person. No public record of such proceeding shall be made nor shall any individual be placed under oath to give testimony. Information discussed by a person in an informal hearing before the Board may be used in a formal hearing against the Respondent if initiated.

(b) Attendance at such an informal meeting is not required and is at the discretion of the person so invited. A person invited to attend an informal meeting shall be entitled to have counsel present.

(c) As a result of such informal meeting, the Board may recommend:

- (1) Actions be taken by a person;
- (2) The person be offered the opportunity to enter into a consent order;
- (3) That it institute a formal public hearing concerning a person; or
- (4) That it take other public or non-public action as the Board may deem appropriate in each case.

History Note: Authority G.S. 150B-22; 150B-38(h);
Eff. April 1, 2001;
Amended Eff. April 1, 2011.

21 NCAC 68 .0620 PUBLICATION OF ETHICS SANCTIONS

Sanctions of censure, suspension or revocation of a credential shall be published by the Board as soon as it is practicable.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.42; 90-113.43; 90-113.44;
Eff. August 1 2002;
Amended Eff. April 1, 2011.

SECTION .0700 – APPEALS PROCESS

21 NCAC 68 .0701 HEARING BEFORE BOARD: TIME REQUIREMENT

- (a) Upon denial, suspension or revocation of certification, the applicant may request a hearing before the Board which will serve as the appeals hearing body.
- (b) Requests for an appeals hearing shall be made in writing to the President of the Board within 30 days after receipt of the notification that certification had been denied or revoked.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. August 1, 1996;
Amended Eff. August 1, 2000.

21 NCAC 68 .0702 RIGHT TO HEARING

- (a) When the Board proposes to deny, suspend or revoke a certificate of certification, or at any other time when it deems a hearing appropriate, it shall give notice to the person(s) affected of the right to an administrative hearing.
- (b) The notice shall be mailed by certified mail to such person at his or her last known address.
- (c) The person affected may assert his or her right to a hearing by mailing to the Board a request for an Administrative Hearing pursuant to Rule .0703 of this Section, except that attempts at informal resolution shall not be required and a hearing shall be granted to an applicant whose request is postmarked prior to the date on which the Board is scheduled to act or such other date as may be specified in the notice.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. August 1, 1996.

21 NCAC 68 .0703 REQUEST FOR HEARING

- (a) Any applicant for certification or certified individual who believes his or her rights, duties or privileges have been affected by the Board's administrative action but who has not received notice of a right to an administrative hearing, may file a formal request for a hearing to determine certification or recertification.
- (b) Before an applicant or certified individual may file a request, he or she shall first exhaust all reasonable efforts to resolve the issue informally with the Board.
- (c) The chairperson of the Ethics Committee or his or her designee may meet with the person accused of an ethical violation, if the accused so chooses, prior to requesting additional information from the complainant.
- (d) Subsequent to such informal action, if still dissatisfied, the person affected shall submit a written request to the Board in an envelope bearing the notation "REQUEST FOR ADMINISTRATIVE HEARING." That request shall contain the following information:
 - (1) Name and address of the applicant or certified individual;
 - (2) Concise statement of the action taken by the Board which is challenged;
 - (3) Concise statement of the way in which the applicant or certified individual has been aggrieved;
and
 - (4) A clear and specific statement of request for a hearing.
- (e) A request for a hearing shall be acknowledged promptly and, if deemed appropriate, a hearing shall be scheduled.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. August 1, 1996.

21 NCAC 68 .0704 HEARING REQUESTS

- (a) The Board shall decide whether to grant a request for a hearing at its next regularly scheduled meeting following receipt of the request.
- (b) A denial of a request for a hearing shall be issued promptly following a decision by the Board. Such denial shall contain a statement supporting Board denial of the request.
- (c) Approval of a request for a hearing shall be signified by the issuing of a notice pursuant to Rule .0705 of this Section.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. August 1, 1996.

21 NCAC 68 .0705 NOTICE OF HEARING

Notices of administrative hearings of the Board shall include the following:

- (1) The name, position, address and telephone number of a member, employee, or agent of the Board to contact for further information or discussion;
- (2) A statement that failure to inform the office of the Board, within 10 days after notice is received of intent to appear at any hearing or prehearing conference scheduled in the hearing notice will be deemed a waiver of the right to a hearing;
- (3) Notice of the date and place of a prehearing conference, if any;
- (4) Notice of the date of the hearing; and
- (5) Any other information deemed relevant to informing the party or parties as to the procedure of the hearing.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. August 1, 1996.

21 NCAC 68 .0706 WHO SHALL HEAR CONTESTED CASES

Administrative hearings shall be heard by the Board or, upon determination by the Board, the Office of Administrative Hearings. The President or his or her designee shall be responsible for the conduct of a Board hearing.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. August 1, 1996;
Amended Eff. August 1, 2000.

21 NCAC 68 .0707 PETITION FOR INTERVENTION

(a) Any person seeking to intervene in a contested case shall file a written petition with the Board. The envelope of such request shall bear the notation "PETITION TO INTERVENE IN THE CASE OF (NAME OF CASE)."

(b) The petition shall include the following information:

- (1) Name and address of petitioner;
- (2) Business or occupation of petitioner, where relevant;
- (3) Full identification of the hearing in which petitioner is seeking to intervene;
- (4) Statutory or non-statutory grounds for intervention or if none, so state;
- (5) Any claim or defense, in respect of which intervention is sought; and
- (6) Summary of the arguments or evidence petitioner seeks to present.

(c) The Board shall mail copies of the petition to the parties to the case, with the costs, at the rate of twenty-five cents (0.25) per page, chargeable to the petitioner.

(d) Upon the determination of the Board to allow intervention, notice of that decision shall be issued promptly to all parties as to the petitioner. In cases of discretionary intervention, such notification shall include a statement of any limitations of time, subject matter, evidence or whatever else is deemed necessary, which are imposed on the intervenor.

(e) Upon the Board's decision to deny intervention, the petitioner shall be notified promptly. Such notice shall be in writing, shall state all reasons for the decision and shall be issued to the petitioner and to all parties.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. August 1, 1996.

21 NCAC 68 .0708 TYPES OF INTERVENTION

(a) **Intervention of Right.** A petition to intervene of right, as provided in the North Carolina Rules of Civil Procedure, Rule 24, shall be granted if the petitioner meets the criteria of that rule and his or her petition is timely. If allowing the petition shall cause substantial prejudice to the right of the parties, substantial added expense or compellingly serious inconvenience to the parties or the office of the Board, the petition to intervene shall be deemed untimely.

(b) **Permissive intervention.** A petition to intervene permissively as provided in the North Carolina Rules of Civil Procedure, Rule 24, shall be granted if the petitioner meets the criteria of that rule and the Board determines that:

- (1) There is sufficient legal or factual similarity between the petitioner's claimed rights, privileges or duties and those of the parties to the hearing; and
- (2) Permitting intervention by the petitioner as a party will aid the purpose of the hearing.

(c) The Board may allow discretionary intervention, with whatever limits and restrictions it deems appropriate. Upon the filing of a timely petition, discretionary intervention will be deemed advisable if:

- (1) The information the petitioner desires to present is relevant and not repetitious or cumulative; and
- (2) The petitioner will lend added impact to the argument of the parties.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. August 1, 1996.

21 NCAC 68 .0709 DISQUALIFICATION OF BOARD MEMBER

(a) **Self-disqualification of Board Member.** If for any reason the Board member determines that factors render him or her unable to conduct or participate in the hearing and perform all duties in an impartial manner, he or she shall submit, in writing, to the Board his or her disqualification.

(b) **Petition for Disqualification.** If for any reason any party in a contested case believes that the Board member personally is biased or otherwise unable to conduct or participate in the hearing and perform all duties in an impartial manner, the party may file a sworn, notarized affidavit with the Board. The envelope of such affidavit shall bear the notation: "AFFIDAVIT OF DISQUALIFICATION OF BOARD MEMBER IN THE CASE OF (NAME OF CASE)."

(c) **Contents of Affidavit.** The affidavit must state all facts the party deems relevant to the disqualification of the Board member.

(d) **Timeliness of Affidavit.** An affidavit of disqualification shall be considered timely if filed at least 10 days before commencement of the hearing. Any other affidavit shall be considered timely provided it is filed at the first opportunity after the party becomes aware of the facts which give rise to a reasonable belief that the Board member may be disqualified pursuant to this Rule.

(e) **Procedure for Determining Disqualification is as follows:**

- (1) The President of the Board may appoint a member of the Board to investigate the allegations of the affidavit and report his or her findings and recommendations to the Board.
- (2) The Board, with such assistance as it deems appropriate, shall decide whether to disqualify the challenged individual.
- (3) The person whose disqualification is to be determined will not participate in the decision but will have the right to furnish information to the Board.
- (4) A record of proceedings and the reasons for decisions reached shall be maintained as part of the contested case.

(f) **Disqualification or withdrawal of a Board member because of personal bias or otherwise will not cause the hearing to be postponed unless a quorum is not available.**

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. August 1, 1996.