

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE BILL 832*

Short Title: Provisional Licensure Changes Medicaid.-AB (Public)

Sponsors: Senator Pate.

Referred to: Health Care.

May 22, 2012

A BILL TO BE ENTITLED

AN ACT RELATING TO CHANGES PERTAINING TO LICENSED CLINICAL SOCIAL WORKERS, CLINICAL ADDICTION SPECIALISTS, AND PSYCHOLOGISTS, AS RECOMMENDED BY THE JOINT OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-270.5(d) reads as rewritten:

"(d) For permanent licensure as a licensed psychologist, an otherwise qualified psychologist must secure two years of acceptable and appropriate supervised experience germane to his or her training and intended area of practice as a psychologist. The Board shall permit such supervised experience to be acquired on a less than full-time basis, and shall additionally specify in its rules the format, setting, content, time frame, amounts of supervision, qualifications of supervisors, disclosure of supervisory relationships, the organization of the supervised experience, and the nature of the responsibility assumed by the supervisor. Supervision of health services must be received from qualified licensed psychologists holding health services provider certificates, or from other psychologists recognized by the Board in accordance with Board rules.

(1) One of these years of experience shall be postdoctoral, and for this year, the Board may require, as specified in its rules, that the supervised experience be comparable to the knowledge and skills acquired during formal doctoral or postdoctoral education, in accordance with established professional standards.

(2) One of these years may be predoctoral and the Board shall establish rules governing appropriate supervised predoctoral experience.

(3) A psychologist who meets all other requirements of G.S. 90-270.11(a) as a licensed psychologist, except the two years of supervised experience, may be issued a provisional license as a psychologist or a license as a psychological associate, without having received a master's degree or specialist degree in psychology, by the Board for the practice of psychology. ~~If the psychologist terminates the supervised experience before the completion of two years, the Board may place the psychologist on inactive status, during which time supervision will not be required, and the practice of psychology or the offer to practice psychology is prohibited. In the event a licensed psychologist issued a provisional license under this subsection is placed on inactive status or is completing the supervised experience on a part time basis, the Board may renew the provisional license as necessary until such time as the~~



1 psychologist has completed the equivalent of two years' supervised
2 experience."

3 **SECTION 2.** G.S. 90B-3 reads as rewritten:

4 **"§ 90B-3. Definitions.**

5 The following definitions apply in this Chapter:

6 ...

7 (7a) ~~Provisional Licensed Clinical Social Worker~~Licensed Clinical Social
8 Worker Associate. – A person issued a ~~provisional~~an associate license to
9 provide clinical social work services pursuant to G.S. 90B-7(f).

10 (8) Social Worker. – A person certified, licensed, or ~~provisionally~~associate
11 licensed by this Chapter or otherwise exempt under G.S. 90B-10."

12 **SECTION 3.** G.S. 90B-7(f) reads as rewritten:

13 "(f) The Board may issue a ~~provisional~~an associate license in clinical social work to a
14 person who has a masters or doctoral degree in a social work program from a college or
15 university having a social work program approved by the Council on Social Work Education
16 and desires to be licensed as a clinical social worker. The ~~provisional~~associate license may not
17 be issued for a period exceeding two years and the person issued the ~~provisional~~associate
18 license must practice under the supervision of a licensed clinical social worker or a
19 Board-approved alternate. Notwithstanding G.S. 90B-6(g), a ~~provisional~~an associate licensee
20 shall pass the qualifying clinical examination prescribed by the Board within two years to be
21 eligible for renewal of the ~~provisional~~associate license. The ~~provisional~~associate licensee shall
22 complete all requirements for full licensure within three renewal cycles, or a total of six years,
23 unless otherwise directed by the Board."

24 **SECTION 4.** G.S. 90B-16(a) reads as rewritten:

25 **"§ 90B-16. Title protection.**

26 (a) Except as provided in G.S. 90B-10, an individual who (i) is not certified, licensed,
27 or ~~provisionally~~associate licensed by this Chapter as a social worker, (ii) does not hold a
28 bachelor's or master's degree in social work from a college or university having a social work
29 program accredited or admitted to candidacy for accreditation by the Council of Social Work
30 Education, or (iii) has not received a doctorate in social work shall not use the title "Social
31 Worker" or any variation of the title."

32 **SECTION 5.** G.S. 90-113.31A reads as rewritten:

33 **"§ 90-113.31A. Definitions.**

34 The following definitions shall apply in this Article:

35 ...

36 (22a) ~~Provisional licensed clinical addictions specialist~~Licensed Clinical
37 Addictions Specialist Associate. – A registrant who successfully completes
38 300 hours of Board-approved supervised practical training in pursuit of
39 licensure as a clinical addictions specialist.

40 ...

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

48 **SECTION 6.** G.S. 90-113.42(d) reads as rewritten:

49 "(d) Only individuals registered, certified, or licensed under this Article may use the title
50 "Certified Substance Abuse Counselor", "Certified Substance Abuse Prevention Consultant",
51 "Certified Clinical Supervisor", "~~Licensed Clinical Addictions Specialist~~",Licensed Clinical

1 Addictions Specialist Associate", "Certified Substance Abuse Residential Facility Director",
2 "Certified Criminal Justice Addictions Professional", "Substance Abuse Counselor Intern",
3 "Provisional Licensed Clinical Addictions Specialist", "Clinical Supervisor Intern", or
4 "Registrant".

5 **SECTION 7.** G.S. 90-113.43 reads as rewritten:

6 **"§ 90-113.43. Illegal practice; misdemeanor penalty.**

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

8 (1) Offer substance abuse professional services, practice, attempt to practice, or
9 supervise while holding himself or herself out to be a certified substance
10 abuse counselor, certified substance abuse prevention consultant, certified
11 clinical supervisor, licensed clinical addictions specialist, ~~provisional~~
12 ~~licensed clinical addictions specialist~~, licensed clinical addictions specialist
13 associate, certified substance abuse residential facility director, certified
14 criminal justice addictions professional, clinical supervisor intern, substance
15 abuse counselor intern, or registrant without first having obtained a
16 notification of registration, certification, or licensure from the Board.

17 (2) Use in connection with any name any letters, words, numerical codes, or
18 insignia indicating or implying that this person is a registrant, certified
19 substance abuse counselor, certified substance abuse prevention consultant,
20 certified clinical supervisor, licensed clinical addictions specialist, certified
21 substance abuse residential facility director, substance abuse counselor
22 intern, certified criminal justice addictions professional, or ~~provisional~~
23 ~~licensed clinical addictions specialist~~, licensed clinical addictions specialist
24 associate, unless this person is registered, certified, or licensed pursuant to
25 this Article.

26 (3) Practice or attempt to practice as a certified substance abuse counselor,
27 certified substance abuse prevention consultant, certified clinical supervisor,
28 licensed clinical addictions specialist, certified criminal justice addictions
29 professional, substance abuse counselor intern, ~~provisional licensed clinical~~
30 ~~addictions specialist~~, licensed clinical addictions specialist associate, clinical
31 supervisor intern, certified substance abuse residential facility director or
32 registrant with a revoked, lapsed, or suspended certification or license.

33 (4) Aid, abet, or assist any person to practice as a certified substance abuse
34 counselor, certified substance abuse prevention consultant, certified criminal
35 justice addictions professional, certified clinical supervisor, licensed clinical
36 addictions specialist, certified substance abuse residential facility director,
37 registrant, substance abuse counselor intern, ~~provisional licensed clinical~~
38 ~~addictions specialist~~, licensed clinical addictions specialist associate, or
39 clinical supervisor intern in violation of this Article.

40 (5) Knowingly serve in a position required by State law or rule or federal law or
41 regulation to be filled by a registrant, certified substance abuse counselor,
42 certified substance abuse prevention consultant, certified criminal justice
43 addictions professional, certified clinical supervisor, licensed clinical
44 addictions specialist, certified substance abuse residential facility director,
45 substance abuse counselor intern, ~~provisional licensed clinical addictions~~
46 ~~specialist~~, licensed clinical addictions specialist associate, or clinical
47 supervisor intern unless that person is registered, certified, or licensed under
48 this Article.

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

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

1 (b) A person who engages in any of the illegal practices enumerated by this section is
2 guilty of a Class 1 misdemeanor. Each act of unlawful practice constitutes a distinct and
3 separate offense."

4 **SECTION 8.** Section 10.31(d)(1)n. of S.L. 2011-145 reads as rewritten:

5 "n. Mental health services. – Coverage is limited to children eligible for
6 EPSDT services provided by:

- 7 1. Licensed or certified psychologists, licensed clinical social
8 workers, licensed clinical social workers associates, certified
9 clinical nurse specialists in psychiatric mental health
10 advanced practice, nurse practitioners certified as clinical
11 nurse specialists in psychiatric mental health advanced
12 practice, licensed psychological associates, licensed
13 professional counselors, licensed professional counselor
14 associates, licensed marriage and family therapists, licensed
15 marriage and family therapist associates, licensed clinical
16 addictions specialists, licensed clinical addiction specialists
17 associate, and certified clinical supervisors, when
18 Medicaid-eligible children are referred by the Community
19 Care of North Carolina primary care physician, a
20 Medicaid-enrolled psychiatrist, or the area mental health
21 program or local management entity, and
- 22 2. Institutional providers of residential services as defined by the
23 Division of Mental Health, Developmental Disabilities, and
24 Substance Abuse Services and approved by the Centers for
25 Medicare and Medicaid Services (CMS) for children and
26 Psychiatric Residential Treatment Facility services that meet
27 federal and State requirements as defined by the Department."

28 **SECTION 9.** This act is effective when it becomes law.