

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 890
PROPOSED COMMITTEE SUBSTITUTE H890-PCS10346-SH-22

Short Title: Amend Psychology, Podiatry, Pastoral Counslr.

(Public)

Sponsors:

Referred to:

April 26, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH INACTIVE LICENSURE STATUS, TO REVISE RECORD
3 RETENTION REQUIREMENTS, AND TO INCREASE FEES UNDER THE
4 PSYCHOLOGY PRACTICE ACT; TO INCREASE THE ANNUAL FEE FOR
5 PODIATRISTS; AND TO INCREASE THE ANNUAL FEE FOR PASTORAL
6 COUNSELORS AND PASTORAL COUNSELING ASSOCIATES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 18A of Chapter 90 of the General Statutes is amended by
9 adding a new section to read:

10 **"§ 90-270.14A. Inactive status.**

11 (a) The Board shall place a license on inactive status upon request of a licensee and
12 payment of the inactive status fee prescribed in G.S. 90-270.18(b)(10). No person shall practice
13 psychology in North Carolina unless that person holds a current active license. The Board may
14 investigate complaints and take disciplinary action against an inactive status licensee. An
15 inactive status license shall only be issued to a person who has previously been issued a license
16 to practice psychology in North Carolina. Licensees on inactive status shall not hold themselves
17 out to the public as licensed by the Board.

18 (b) In order to maintain inactive status, the inactive status fee prescribed in
19 G.S. 90-270.18(b)(10) shall be paid at every renewal period. The inactive status licensee is
20 exempt from continuing education requirements set forth in G.S. 90-270.14(a)(2).

21 (c) A licensee on inactive status may reactivate licensure by completing an application
22 for reactivation, paying the reactivation fee prescribed in G.S. 90-270.18(b)(11), and
23 completing any other reactivation requirements set forth by Board rules, which may include a
24 criminal history record check, continuing education, fitness to practice evaluation, examination,
25 and supervision."

26 **SECTION 2.** G.S. 90-270.15(a) reads as rewritten:

27 **"§ 90-270.15. Denial, suspension, or revocation of licenses and health services provider**
28 **certification, and other disciplinary and remedial actions for violations of the**
29 **Code of Conduct; relinquishing of license.**

30 (a) Any applicant for licensure or health services provider certification and any person
31 licensed or certified under this Article shall have behaved in conformity with the ethical and
32 professional standards specified in this Code of Conduct and in the rules of the Board. The
33 Board may deny, suspend, or revoke licensure and certification, and may discipline, place on
34 probation, limit practice, and require examination, remediation, and rehabilitation, or any
35 combination thereof, all as provided for in subsection (b) below. The Board shall act upon



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1 proof that the applicant or licensee engaged in illegal, immoral, dishonorable, unprofessional,
 2 or unethical conduct by violating any of the provisions of the Code of Conduct as follows:

3 ...
 4 (6) Has had a license or certification for the practice of psychology or other
 5 mental health profession in this State or in any other jurisdiction suspended
 6 or revoked, or has been disciplined by ~~the~~ a licensing or certification board
 7 in this State or in any other jurisdiction for conduct which would subject him
 8 or her to discipline under this Article;

9 ...
 10 (18) Except when prevented from doing so by circumstances beyond the
 11 psychologist's control, has failed to retain securely and confidentially the
 12 complete case record for at least seven years from the date of the last
 13 provision of psychological ~~services; or, except when prevented from doing~~
 14 ~~so by circumstances beyond the psychologist's control, has failed to retain~~
 15 ~~securely and confidentially the complete case record for three years from the~~
 16 ~~date of the attainment of majority age by the patient or client or for at least~~
 17 ~~seven years from the date of the last provision of psychological services;~~
 18 ~~whichever is longer; services; or, except when prevented from doing so by~~
 19 circumstances beyond the psychologist's control, has failed to retain securely
 20 and confidentially the complete case record indefinitely if there are pending
 21 legal or ethical matters or if there is any other compelling circumstance;

22"

23 **SECTION 3.** G.S. 90-270.18(b) reads as rewritten:

24 "(b) Fees for activities specified by this Article are as follows:

- 25 (1) Application fees for licensed psychologists and licensed psychological
 26 associates per G.S. 90-270.11(a) and (b)(1), or G.S. 90-270.13, shall ~~not~~
 27 ~~exceed one hundred dollars (\$100.00).~~ be the cost of application as set by the
 28 vendor, if applicable, plus an additional fee not to exceed three hundred
 29 dollars (\$300.00). The Board may require applicants to pay the fee directly
 30 to the vendor.
- 31 (2) Fees for the national written examination shall be the cost of the examination
 32 as set by the vendor plus an additional fee not to exceed fifty dollars
 33 (\$50.00). The Board may require applicants to pay the fee directly to the
 34 vendor.
- 35 (3) Fees for additional examinations shall be as prescribed by the Board.
- 36 (4) Fees for the renewal of licenses, per G.S. 90-270.14(a)(1), shall not exceed
 37 ~~two hundred fifty dollars (\$250.00)~~ four hundred dollars (\$400.00) per
 38 biennium. This fee may not be prorated.
- 39 (5) Late fees for license renewal, per G.S. 90-270.14(a)(1), shall be ~~twenty-five~~
 40 ~~dollars (\$25.00).~~ seventy-five dollars (\$75.00).
- 41 (6) Fees for the reinstatement of a license, per G.S. 90-270.15(f), shall not
 42 exceed ~~one hundred dollars (\$100.00).~~ two hundred dollars (\$200.00).
- 43 (7) Fees for a duplicate license, per G.S. 90-270.14(b), shall be ~~twenty-five~~
 44 ~~dollars (\$25.00).~~ seventy-five dollars (\$75.00).
- 45 (8) Fees for a temporary license, per G.S. 90-270.5(f) and 90-270.5(g), shall be
 46 ~~thirty-five dollars (\$35.00).~~ fifty dollars (\$50.00).
- 47 (9) Application fees for a health services provider certificate, per
 48 G.S. 90-270.20, shall be ~~fifty dollars (\$50.00).~~ one hundred dollars
 49 (\$100.00).
- 50 (10) Fees to place a license on inactive status, per G.S. 90-270.14A, shall not
 51 exceed one hundred dollars (\$100.00) for every renewal period.

1 (11) Fees for reactivation of an inactive status license, per G.S. 90-270.14A(c),
2 shall not exceed three hundred dollars (\$300.00)."

3 **SECTION 4.** G.S. 90-270.22(a) reads as rewritten:

4 "**§ 90-270.22. Criminal history record checks of applicants for licensure and licensees.**

5 (a) The Board may request that an applicant for ~~licensure or reinstatement of a license~~
6 licensure, reinstatement, or reactivation of a license, or that a licensed psychologist or
7 psychological associate currently under investigation by the Board for allegedly violating this
8 ~~Article~~-Article, consent to a criminal history record check. Refusal to consent to a criminal
9 history record check may constitute grounds for the Board to deny ~~licensure or reinstatement~~
10 licensure, reinstatement, or reactivation of a license to an applicant or take disciplinary action
11 against a licensee, including revocation of a license. The Board shall be responsible for
12 providing to the North Carolina Department of Public Safety the fingerprints of the applicant or
13 licensee to be checked, a form signed by the applicant or licensee consenting to the criminal
14 record check and the use of fingerprints and other identifying information required by the State
15 or National Repositories, and any additional information required by the Department of Public
16 Safety. The Board shall keep all information obtained pursuant to this section confidential.

17 The Board shall collect any fees required by the Department of Public Safety and shall
18 remit the fees to the Department of Public Safety for the cost of conducting the criminal history
19 record check."

20 **SECTION 5.** G.S. 90-202.10 reads as rewritten:

21 "**§ 90-202.10. Annual fee; cancellation or renewal of license.**

22 On or before the first day of July of each year every podiatrist engaged in the practice of
23 podiatry in this State shall transmit to the secretary-treasurer of the said North Carolina State
24 Board of Podiatry Examiners his signature and post-office address, the date and year of his or
25 her certificate, together with a fee to be set by the Board of Podiatry Examiners not to exceed
26 ~~two hundred dollars (\$200.00)~~ three hundred fifty dollars (\$350.00) and receive therefor a
27 renewal certificate. Any license or certificate granted by said Board under or by virtue of this
28 section shall automatically be cancelled and annulled if the holder thereof fails to secure the
29 renewal herein provided for within a period of 30 days after the first day of July of each year,
30 and such delinquent podiatrist shall pay a penalty for reinstatement of twenty-five dollars
31 (\$25.00) for each succeeding month of delinquency until a six-month period of delinquency
32 exists. After a six-month period of delinquency exists or after January 1 following the July 1
33 deadline, the said podiatrist must appear before the North Carolina Board of Podiatry
34 Examiners and take a new examination before being allowed to practice podiatry in the State of
35 North Carolina."

36 **SECTION 6.** G.S. 90-389 reads as rewritten:

37 "**§ 90-389. Renewal of certificate.**

38 A certificate issued under this Article must be renewed annually on or before the first day
39 of January of each year. Each application for renewal must be accompanied by a renewal fee
40 set by the Board of not more than ~~one hundred dollars (\$100.00)~~ three hundred dollars
41 (\$300.00). If a certificate is not renewed on or before the first day of January of each year, an
42 additional fee of not more than twenty-five dollars (\$25.00) as set by the Board shall be
43 charged for late renewal. The Board may establish requirements for continuing education for
44 pastoral counselors and pastoral counseling associates certified in this State as an additional
45 condition for renewal."

46 **SECTION 7.** This act becomes effective October 1, 2017.