

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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BILL DRAFT 2011-SQz-31* [v.3] (04/29)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

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Short Title: Provisional Licensure Changes Medicaid .-AB

(Public)

Sponsors: Representative Unknown./Senator Unknown.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO CHANGES TO LICENSED CLINICAL SOCIAL WORKERS,
3 CLINICAL ADDICTION SPECIALIST AND PSYCHOLOGIST AS RECOMMENDED
4 BY THE JOINT OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 90-270.5(d) is rewritten to read:

7 **"§ 90-270.5. Application; examination; supervision; provisional and temporary licenses.**

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

- 18 (1) One of these years of experience shall be postdoctoral, and for this year, the
19 Board may require, as specified in its rules, that the supervised experience be
20 comparable to the knowledge and skills acquired during formal doctoral or
21 postdoctoral education, in accordance with established professional
22 standards.
- 23 (2) One of these years may be predoctoral and the Board shall establish rules
24 governing appropriate supervised predoctoral experience.
- 25 (3) A psychologist who meets all other requirements of G.S. 90-270.11(a) as a
26 licensed psychologist, except the two years of supervised experience, may be
27 issued a provisional license as a psychologist, or a license as a psychological
28 associate, without having received a master's degree or specialist degree in
29 psychology. by the Board for the practice of psychology. ~~If the psychologist~~
30 ~~terminates the supervised experience before the completion of two years, the~~
31 ~~Board may place the psychologist on inactive status, during which time~~
32 ~~supervision will not be required, and the practice of psychology or the offer~~
33 ~~to practice psychology is prohibited. In the event a licensed psychologist~~



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~~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 psychologist has completed the equivalent of two years' supervised experience.~~

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

"§ 90B-3. Definitions.

The following definitions apply in this Chapter:

...

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

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

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

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

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

"§ 90B-16. Title protection.

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

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

"§ 90-113.31A. Definitions.

The following definitions shall apply in this Article:

...

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

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

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

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

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

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

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

- (1) Offer substance abuse professional services, practice, attempt to practice, or supervise while holding himself or herself out to be a certified substance abuse counselor, certified substance abuse prevention consultant, certified clinical supervisor, licensed clinical addictions specialist, ~~provisional licensed clinical addictions specialist~~, licensed clinical addictions specialist associate, certified substance abuse residential facility director, certified criminal justice addictions professional, clinical supervisor intern, substance abuse counselor intern, or registrant without first having obtained a notification of registration, certification, or licensure from the Board.
- (2) Use in connection with any name any letters, words, numerical codes, or insignia indicating or implying that this person is a registrant, certified substance abuse counselor, certified substance abuse prevention consultant, certified clinical supervisor, licensed clinical addictions specialist, certified substance abuse residential facility director, substance abuse counselor intern, certified criminal justice addictions professional, or ~~provisional licensed clinical addictions specialist~~, licensed clinical addictions specialist associate, unless this person is registered, certified, or licensed pursuant to this Article.
- (3) Practice or attempt to practice as a certified substance abuse counselor, certified substance abuse prevention consultant, certified clinical supervisor, licensed clinical addictions specialist, certified criminal justice addictions professional, substance abuse counselor intern, ~~provisional licensed clinical addictions specialist~~, licensed clinical addictions specialist associate, clinical supervisor intern, certified substance abuse residential facility director or registrant with a revoked, lapsed, or suspended certification or license.
- (4) Aid, abet, or assist any person to practice as a certified substance abuse counselor, certified substance abuse prevention consultant, certified criminal justice addictions professional, certified clinical supervisor, licensed clinical addictions specialist, certified substance abuse residential facility director, registrant, substance abuse counselor intern, ~~provisional licensed clinical addictions specialist~~, licensed clinical addictions specialist associate, or clinical supervisor intern in violation of this Article.
- (5) Knowingly serve in a position required by State law or rule or federal law or regulation to be filled by a registrant, certified substance abuse counselor, certified substance abuse prevention consultant, certified criminal justice addictions professional, certified clinical supervisor, licensed clinical addictions specialist, certified substance abuse residential facility director, substance abuse counselor intern, ~~provisional licensed clinical addictions specialist~~, licensed clinical addictions specialist associate, or clinical supervisor intern unless that person is registered, certified, or licensed under this Article.

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

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

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

SECTION 8. Section 10.31(d)(1)(n) of Session Law 2011-145 reads as rewritten:

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

1. Licensed or certified psychologists, licensed clinical social workers, [licensed clinical social workers associates](#), certified clinical nurse specialists in psychiatric mental health advanced practice, nurse practitioners certified as clinical nurse specialists in psychiatric mental health advanced practice, licensed psychological associates, licensed professional counselors, [licensed professional counselor associates](#), licensed marriage and family therapists, [licensed marriage and family therapist associates](#), licensed clinical addictions specialists, [licensed clinical addiction specialists associate](#), and certified clinical supervisors, when Medicaid-eligible children are referred by the Community Care of North Carolina primary care physician, a Medicaid-enrolled psychiatrist, or the area mental health program or local management entity, and
2. Institutional providers of residential services as defined by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services and approved by the Centers for Medicare and Medicaid Services (CMS) for children and Psychiatric Residential Treatment Facility services that meet federal and State requirements as defined by the Department."

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