

CHAPTER 68 – ADDICTIONS SPECIALIST PROFESSIONAL PRACTICE BOARD

SECTION .0100 - GENERAL

21 NCAC 68 .0101 DEFINITIONS

As used in this Chapter, the following terms are defined as:

- (1) "Applicant" means a person who submits documentation seeking Board status for registration, certification, or licensure.
- (2) "Approved supervisor" means a person who monitors and directs the activities of a substance use disorder professional in the role of a 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.
- (3) "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.
- (4) "Clinical application" means the assumption of professional and ethical responsibilities in the form of clinical supervision 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.
- (5) "Clinical setting" means a location where the primary purpose is the delivery of behavioral health care to clients, patients, and consumers.
- (6) "Clinical supervision" means clinical oversight required for a substance use disorder or addictions specialist professional that is held at scheduled times or at regular intervals where the practice supervisor or supervisor of record reviews the clinical work of a professional for the purpose of feedback and instruction. This may be conducted electronically via live face-to-face video conducted in real time.
- (7) "Clinical supervision specific education" means training that covers the aspects of clinical supervision of a substance use disorder professional or any of the core functions of addictions counseling in their clinical application.
- (8) "Client" means an individual who is in receipt of substance use disorder counseling.
- (9) "Complainant" means a person who has filed an ethical complaint pursuant to the rules of this Section.
- (10) "Consultation" means a meeting for discussion, decision-making, and planning with other service providers for the purpose of providing substance use disorder counseling services.
- (11) "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.
- (12) "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).
- (13) "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 use 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.
- (14) "Full-time" means 2,000 hours of substance use disorder professional experience per year.
- (15) "General professional skill building" means education provided to enhance the general skills of a substance use disorder professional.
- (16) "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.

- (17) "Impairment" means a mental illness, substance use disorder, chemical dependency, or physical illness that inhibits the ability of the professional to meet the treatment needs of the client and his or her family.
- (18) "Letter of reference" means a letter that recommends a person for credentialing.
- (19) "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.
- (20) "Passing score" means the score set and provided by the entity administering the exam indicating successful and satisfactory completion.
- (21) "Person served" means an individual who is not a client but is in receipt of substance use disorder prevention counseling.
- (22) "Personal service" means the delivery of a document into the hands of the person to whom it is addressed.
- (23) "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 misuse.
- (24) "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.
- (25) "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.
- (26) "Rehabilitation" means re-establishing the functioning needed for professional competency.
- (27) "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.
- (28) "Relapse" means a return to the pattern of substance misuse as well as the process during which indicators appear prior to the person's return to the pattern of substance misuse or a re-appearance or exacerbation of physical, psychological, or emotional symptoms of impairment.
- (29) "Renewal" means an action by the Board granting a substance use disorder 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.
- (30) "Revival" means an action by the Board granting a substance use disorder professional a registration, certification, or licensure following a lapse of registration, certification, or licensure wherein the professional must also meet the requirements for renewal.
- (31) "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.
- (32) "Sexual activity" or "sexual contact" means soliciting or engaging in any activities of a sexual nature, including kissing, fondling, or touching of the body, specifically to the genitals but may include other parts of the body meant to cause sexual arousal.
- (33) "Substance use disorder counseling experience " means approved supervised experience that may be full-time, part-time, paid or voluntary, and shall include all of the core functions of addiction counseling as set forth in Rule .0204 of this Chapter as documented by a job description and a supervisor's evaluation.
- (34) "Substance use disorder prevention specialist experience" means approved supervised experience that may be full-time, part-time, paid, or voluntary, and shall include the prevention domains referenced by Rule .0206 of this Chapter and as documented by a job description and supervisor's evaluation.
- (35) "Substance use disorder specific" means education focused upon alcohol and other drugs and the substance-using population and is provided for a substance use disorder professional by an individual whose education and experience is in the field of alcohol and other drugs.

- (36) "Supervised practice" means supervision of the applicant in the knowledge and skills related to substance use disorder professionals.
- (37) "Supervisor of record" means the supervisor who is a substance use disorder professional and is primarily responsible for providing applicant or practice supervision to a supervisee, as well as reporting that supervised work experience to the Board.
- (38) "Suspension" means a loss of registration, certification, or licensure by a substance use disorder 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;
 Readopted Eff. October 1, 2020;
 Amended Eff. July 1, 2022.

21 NCAC 68 .0102 BOARD ADDRESS

- (a) Unless otherwise directed, all correspondence shall be mailed to the following address:
 North Carolina Addiction Specialist
 Professional Practice Board
 P.O. Box 10126
 Raleigh, NC 27605.
- (b) The Board website shall be located at www.ncsappb.org.

History Note: Authority G.S. 90-113.30; 90-113.33;
 Eff. August 1, 1996;
 Amended Eff. August 1, 1998;
 Readopted Eff. October 1, 2020.

SECTION .0200 - CERTIFICATION

21 NCAC 68 .0201 APPLICATION FOR REGISTRATION

- (a) Applications, inquires, and forms shall be obtained from the Board's website, www.ncsappb.org and submitted to the Board for review and approval.
- (b) To obtain an application packet, the applicant shall pay a non-refundable fee in the amount of twenty-five dollars (\$25.00) through the Board's application found on the website.

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;
 Readopted Eff. October 1, 2020.

21 NCAC 68 .0202 REGISTRATION PROCESS FOR BOARD CREDENTIAL

- (a) To register, the applicant shall submit the following to the Board:
 - (1) Completed application provided by the Board;
 - (2) Documentation of the degree required for a credential;
 - (3) A signed supervision agreement provided by the Board documenting the proposed supervision process by an applicant supervisor;
 - (4) An attestation or otherwise signed adherence by the applicant to the ethical standards of the Board;
 - (5) Documentation of three hours of educational training in ethics;
 - (6) Completed criminal history record;
 - (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) Payment in the amount as set in Rule .0205 that is non-refundable and made payable to the Board.
- (b) Once the materials are determined by the Board to be in order the applicant shall be granted registration status.
- (c) Registration with the Board shall be for a period as set out in G.S. 90-113.40A.
- (d) An applicant shall become a Registrant upon receipt of 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;
 Readopted Eff. October 1, 2020.

21 NCAC 68 .0203 DESIGNATION AS ALCOHOL AND DRUG COUNSELOR INTERN

- (a) To be designated as an Alcohol and Drug Counselor Intern, a counselor shall:
- (1) Submit the requirements for Registration status as described in Rule .0202 of this Chapter, if not submitted previously;
 - (2) Provide documentation to the Board verifying the completion of 300 hours of supervised practice by a Certified Clinical Supervisor or Clinical Supervisor Intern; and
 - (3) Achieve a passing score on the Alcohol and Drug Counselor examination developed by the International Certification & Reciprocity Consortium (IC&RC) or its successor organization.
- (b) 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.
- (c) Once an individual has been designated as an Alcohol and Drug Counselor Intern, they 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;
 Readopted Eff. April 10, 2019;
 Amended Eff. July 1, 2022.

21 NCAC 68 .0204 SUPERVISED PRACTICUM FOR CERTIFIED ALCOHOL AND DRUG COUNSELOR AND LICENSED CLINICAL ADDICTIONS SPECIALIST

- (a) All applicants for the certified alcohol and drug 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 addictions counseling as set forth by the International Certification and Reciprocity Consortium which is hereby incorporated by reference and available in the Candidate Guides including subsequent amendments or editions at internationalcredentialing.org. The practicum shall be supervised at a ratio of one hour of supervision for every 10 hours of practice.
- (b) Upon completion of the 300 hours of practice, the supervisor shall complete an evaluation reviewing the applicant's development and provide it to the Board, documenting the 300 hours of practice.
- (c) The 300 hour practicum of the Certified Alcohol and Drug Counselor and the Certified Prevention Specialist may be completed as part of an academic course of study in a regionally accredited college or university or may be developed in a work setting when supervised by an applicant supervisor. The 300 hour practicum may be completed as part of the three years (or 6,000 hours) of alcohol and drug counseling experience required for certification.
- (d) The 300 hour practicum of the Licensed Clinical Addictions Specialist Criteria A applicant shall be completed as part of the required two years postgraduate supervised clinical addictions counseling and does not include the clinical application or practical training completed as a part of the master's degree used to apply for the Licensed Clinical Addictions Specialist.

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;
 Readopted Eff. October 1, 2020;

Amended Eff. July 1, 2022.

21 NCAC 68 .0205 CERTIFIED ALCOHOL AND DRUG COUNSELOR CERTIFICATION

Requirements for certification as a Certified Alcohol and Drug Counselor shall be as follows:

- (1) Completion of 6,000 hours of paid or volunteer supervised experience as set out in G.S. 90-113.40(a). If the work setting is not exclusively substance use disorder focused, the applicant may accumulate experience proportional to the substance use disorder services performed or as determined and verified by the applicant supervisor;
- (2) Board approved education and training of at least 270 clock hours, consisting of:
 - (a) Substance Use Disorder Specific education and training in the amount of at least 190 hours of substance use disorder specific core competencies, to include the following:
 - (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 client education;
 - (vii) consultation, referral, and networking that utilizes community resources;
 - (viii) ethics, legal issues, and confidentiality;
 - (ix) special populations that include individuals or groups with 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;
 - (b) Up to 80 hours may be directed toward general professional skill building to enhance counselor development;
 - (c) No more than 67.5 hours may be in-service education received within the applicant's organization by staff of the same organization; and
 - (d) Of the 270 clock hours, applicants for certification must document six hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education, six hours clinical ethics education, and six hours of education to be selected from the following:
 - (i) nicotine use disorder;
 - (ii) psychopathology;
 - (iii) evidence-based treatment;
 - (iv) substance use disorder issues and older adults;
 - (v) substance use disorder issues affecting veterans; and
 - (vi) substance use disorder and domestic violence;
- (3) A one hundred fifty dollar (\$150.00) exam fee and a two hundred dollar (\$200.00) non-refundable certification fee, unless previously paid;
- (4) Achieving a passing score on the IC&RC or its successor organization Alcohol and Drug Counselor exam;
- (5) Completed evaluation by the applicant's supervisor documenting 6,000 hours of clinical substance use disorder counseling experience and two references from other substance use disorder professionals;
- (6) An attestation or otherwise signed adherence by the applicant to the Ethical Standards of the Board as found in Section .0500 of this Chapter;
- (7) Documentation of highest level education achieved. Verification of high school graduation or completion of GED may be evidenced by diploma. Applicants presenting baccalaureate or advanced degrees must submit a completed transcript;
- (8) Completed registration application found on the Board's website; and
- (9) Resume.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40;

Eff. August 1, 1996;
Amended Eff. January 1, 2010; August 1, 2002; August 1, 2000;
Readopted Eff. April 10, 2019;
Amended Eff. July 1, 2022.

21 NCAC 68 .0206 PROCESS FOR PREVENTION SPECIALIST CERTIFICATION

(a) The Board shall certify an applicant as a certified prevention specialist as set out in Article 5C of Chapter 90 of the North Carolina General Statutes. A certified prevention specialist's primary responsibilities are to provide substance use disorder information and education, environmental approaches, alternative activities, community organization, networking, and referral to promote personal health and well-being to individuals, families, and communities who may not otherwise be clients receiving substance use disorder treatment.

(b) The requirements for certification are:

- (1) Supervised field experience as set out in G.S. 90-113.40(a)(8) in prevention consultation;
- (2) 270 hours of academic and didactic training, divided as follows:
 - (A) 170 hours primary and secondary prevention and in the prevention performance domains; and
 - (B) 100 hours in substance use disorder 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 use disorder;
 - (ii) psychopathology;
 - (iii) evidence-based treatment;
 - (iv) substance use disorder issues and older adults;
 - (v) substance use disorder issues affecting veterans; and
 - (vi) substance use disorder and domestic violence;
- (3) A minimum of 300 hours of supervised practical training practice hours documented by a certified clinical supervisor, clinical supervisor intern, or certified prevention specialist who has been certified more than three years;
- (4) An attestation or otherwise signed adherence by the applicant to the Ethical Standards of the Board as found in Section .0500 of this Chapter; and
- (5) An application fee of twenty-five dollars (\$25.00), a certification fee of two hundred dollars (\$200.00) and an examination fee of one hundred fifty dollars (\$150.00).

History Note: Authority G.S. 90-113.30; 90-113.31B; 90-113.33; 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;
Readopted Eff. April 10, 2019;
Amended Eff. July 1, 2022.

21 NCAC 68 .0207 CERTIFICATION OR LICENSURE PERIOD

Certification or licensure is for a period of two years after which renewal is necessary. Failure to renew a credential within 30 business days following the end of the two-year period shall result in a late renewal fee of fifty dollars (\$50.00) to be paid by the professional in addition to the renewal fee of one hundred and fifty dollars (\$150.00).

History Note: Authority G.S. 90-113.30; 90-113.33; 09-113.37A; 90-113.38;
Eff. August 1, 1996;
Amended Eff. January 1, 2010;
Readopted Eff. April 10, 2019.

21 NCAC 68 .0208 RENEWAL REQUIREMENTS FOR COUNSELOR, CRIMINAL JUSTICE ADDICTIONS PROFESSIONAL AND PREVENTION SPECIALIST

(a) In order to renew a certification, a certified alcohol and drug counselor and certified prevention specialist shall:

- (1) Complete 60 hours of training recognized by the Board as follows:
 - (A) A minimum of 50 percent (30 hours) shall be substance use disorder specific.

- (B) No more than 25 percent may be in-service education, received within the professional's place of employment by staff of the same employment;
 - (C) No more than 25 percent may be educational training presented by the renewing professional. A presentation shall be a part of an event recognized by the Board as set out in the rules of this Chapter;
 - (D) An applicant shall include documentation of each event submitted; and
 - (E) All applicants shall include three hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education, three hours of clinical ethics training and education, and three hours of education to be selected from the list appearing in Rule 21 NCAC 68 .0205(e).
- (2) Submit the following:
- (A) A completed renewal found on the Board website;
 - (B) A non-refundable one hundred fifty dollar (\$150.00) recertification fee; and
 - (C) An attestation or otherwise signed adherence by the applicant to the Ethical Standards of the Board as found in Section .0500 of this Chapter.
- (b) In order to renew a certification, a certified criminal justice addictions professional shall:
- (1) Complete 40 hours of training recognized by the Board as follows:
- (A) A minimum of 50 percent (20 hours) shall be substance use disorder specific.
 - (B) No more than 25 percent may be in-service education, received within the professional's place of employment by staff of the same employment;
 - (C) No more than 25 percent may be educational training presented by the renewing professional. A presentation shall be a part of an event recognized by the Board as set out in the rules of this Chapter;
 - (D) An applicant shall include documentation of each event submitted; and
 - (E) All applicants shall include three hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education, three hours of clinical ethics training and education, and three hours of education to be selected from the list appearing in Rule 21 NCAC 68 .0205(e).
- (2) Submit the following:
- (A) A completed renewal found on the Board website;
 - (B) A non-refundable one hundred fifty dollar (\$150.00) recertification fee; and
 - (C) An attestation or otherwise signed adherence by the applicant to the Ethical Standards of the Board as found in Section .0500 of this Chapter.
- (c) The renewal of a certified criminal justice addictions professional and a certified alcohol and drug counselor shall include a post-certification supervision agreement between a practice supervisor and supervisee. The supervision required by this Rule shall be provided according to G.S. 90-113.37A(b).

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.37A; 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;
 Readopted Eff. April 10, 2019;
 Amended Eff. July 1, 2022.

21 NCAC 68 .0209 RECIPROCITY

- (a) If a counselor, prevention consultant, clinical supervisor, or clinical addictions specialist holds a credential issued by a member board or a successor organization of the International Certification and Reciprocity Consortium (IC&RC) as a certified alcohol and drug counselor, certified prevention consultant, certified clinical supervisor or licensed clinical addictions specialist, the person may transfer this credential to North Carolina by applying a transfer fee paid to the IC&RC 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.
- (d) In the event that the individual's IC&RC member board does not administer the same IC&RC exam required for reciprocal certification or licensing in North Carolina, the applicant shall be required to complete and pass the exam required by the rules of this Chapter and the G.S. 90-113.41.

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;
Readopted Eff. October 1, 2020.

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 AND RENEWAL

(a) In order to be certified as a certified clinical supervisor, an applicant shall:

- (1) Obtain and maintain a license as a licensed clinical addictions specialist to be eligible for certified clinical supervisor;
- (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 in a supervisory role working or volunteer in a clinical setting, supervised at a ratio of one hour of supervision for every 80 hours of practice in the field of alcohol and other drug misuse;
- (4) Submit documentation of 30 hours of clinical supervision specific education for initial certification. These hours shall be reflective of clinical supervision domains;
- (5) Submit three references. One from a certified clinical supervisor who can attest to supervisory competence and two from either substance use disorder professionals who have been supervised by the candidate or substance use disorder professionals who can attest to the applicant's competence;
- (6) Achieve a passing score on the IC&RC or its successor organization's clinical supervisor examination; and
- (7) Pay all application fees. A fee of twenty-five dollars (\$25.00) shall be submitted to the Board. Also, an applicant shall submit a certification fee of two hundred dollars (\$200.00) and an examination fee of one hundred fifty dollars (\$150.00).

(b) In order to renew as a certified clinical supervisor, the certified professional shall submit to the Board the following:

- (1) A completed renewal found on the Board website with 15 clock hours of continuing education in the field of clinical supervision;
- (2) An attestation or otherwise signed adherence by the applicant stating his or her commitment to follow the Board's code of ethical conduct; and
- (3) A recertification or renewal fee of one hundred fifty dollars (\$150.00).

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;
Readopted Eff. April 10, 2019.

21 NCAC 68 .0212 PROCESS FOR RESIDENTIAL FACILITY DIRECTOR CERTIFICATION

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.37A; 90-113.38; 90-113.39; 90-113.40;
Eff. August 1, 1996;
Amended Eff. January 1, 2010; August 1, 2002; August 1, 2000;
Readopted Eff. April 10, 2019;
Repealed Eff. July 1, 2022.

21 NCAC 68 .0213 CONTINUING EDUCATION APPROVAL POLICY

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;
Repealed Eff. October 1, 2020.*

21 NCAC 68 .0214 COLLEGE AND UNIVERSITY SUBSTANCE USE DISORDER SPECIALTY CURRICULA

- (a) A college or university program shall notify the Board of its intent to provide a substance use disorder specialty curricula. Persons completing master's level substance use disorder specialty curricula shall be considered "Criteria C" applicants as defined in G.S. 90-113.40 (c)(3).
- (b) Upon notification of the school's intent to provide a substance use disorder 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 use disorder specific credits;
 - (2) information as to how the educational requirements for substance use disorder specialty shall be met within the curricula pursuant to G.S. 90-113.41A(a)(2) a.-k.;
 - (3) names and resume of any faculty who shall be teaching the substance use disorder curricula;
 - (4) name of the school or college in which the substance use disorder 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 use disorder specific field placements and supervision. A clinical supervisor intern or certified clinical supervisor shall supervise the students enrolled in the substance use disorder specialty curricula described in Rule .0204 of this Section.
- (c) The Standards Committee shall review curricula to determine if the proposal meets educational, hour, substance use disorder specific and supervised experience qualifications.
- (d) 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. A previously approved substance use disorder specialty curricula school may forgo review by notifying the Board that there have been no changes to the course content of the approved curricula.

*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;
Readopted Eff. October 1, 2020.*

21 NCAC 68 .0215 VERIFICATION

*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;
Repealed Eff. October 1, 2020.*

21 NCAC 68 .0216 BACKGROUND INVESTIGATION

- (a) Every applicant for Registration pursuant to Article 5C of Chapter 90 of the General Statutes shall complete a fingerprint background check and accompanying release of information 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.

*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;
Readopted Eff. December 1, 2020.*

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 as set forth in G.S. 90-113.40(d1)(2).

(b) 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 a substance use disorder professional 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;
Readopted Eff. October 1, 2020.*

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

When 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;
Readopted Eff. October 1, 2020.*

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.

*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;
Readopted Eff. October 1, 2020.*

21 NCAC 68 .0222 ETHICS AND QUALITY ASSURANCE 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 Quality Assurance Committee for review and further investigation. The Chairperson may pursue the investigation of this matter pursuant to the procedures used to investigate ethics complaints as defined in Rule .0603 of this Section.

(b) Information that is the basis for an inquiry into the issue of whether the credentialed professional meets the ethical standards of the Board shall be referred to the Chairperson of the Ethics Committee for review and further investigation. The Chairperson shall pursue the investigation of this matter pursuant to the procedures used to investigate ethics complaints as defined in Rule .0603 of this Section.

*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;
Readopted Eff. October 1, 2020.*

21 NCAC 68 .0223 STANDARDS AND QUALITY ASSURANCE COMMITTEE ACTIONS

- (a) The Quality Assurance Committee shall take any of the following actions:
- (1) review applications for credentialing and re-credentialing; and
 - (2) recommend or deny candidates for credentialing and re-credentialing.
- (b) The Standards Committee shall take any of the following actions:
- (1) review curricula requirements for Board approved training events;
 - (2) review curricula requirements for Board approval of college or university courses; and
 - (3) recommend changes to curricula to reflect best practices and current trends in substance use disorder treatment and prevention.

*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;
Readopted Eff. October 1, 2020.*

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 administratively removed from the credentialing process for additional review. 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;
Readopted Eff. October 1, 2020.*

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

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;
Readopted Eff. October 1, 2020.*

21 NCAC 68 .0226 ARMED SERVICES EXTENSION FOR CREDENTIAL

Upon receipt of a written request by or on behalf of a credentialed substance use disorder 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. 105-249.2 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;
Readopted Eff. October 1, 2020.*

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

(a) Applicants for a substance use disorder professional credential by endorsement or reciprocity based on military service shall have their training honored automatically pursuant to the standards of the International Certification and Reciprocity Consortium (IC&RC). Applicants 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 IC&RC 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) 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 use disorder professional for at least 1,500 clinical hours per year during at least two of the five years preceding the date of application; and
- (3) 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;
Readopted Eff. December 1, 2020.

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

(a) Applicants for a substance use disorder credential by endorsement or reciprocity based on their status as a military spouse shall have their training honored automatically pursuant to the standards of the International Certification and Reciprocity Consortium (IC&RC). Applicants 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 IC&RC 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) 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 use disorder 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 use disorder 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
- (3) 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;
Readopted Eff. December 1, 2020.

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. 90-113.30; 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;
Readopted Eff. October 1, 2020.

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 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 shall pass in order to be awarded the professional group's substance use disorder 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 ethics investigation and may impose 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;
Readopted Eff. October 1, 2020.

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

(a) The Standards Committee shall review the standards of each professional discipline every third year as required in G.S. 90-113.41A.

(b) The Standards Committee shall send notice to the professional discipline 90 days in advance of the end of the three-year period following the date deemed status was granted or renewed.

(c) The professional discipline shall report current standards, including an update of all information originally provided to meet the requirements of Rule .0303 of this Section.

(d) The Standards Committee may request further substantiation and explanation of the information provided by the professional discipline if the Committee's review determines it no longer meets the requirements set forth in G.S. 90-113.41A.

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;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0305 LICENSURE REQUIREMENTS FOR INITIAL APPLICANTS FOR LICENSED CLINICAL ADDICTIONS SPECIALIST

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:

- (1) Documentation of completion of:
 - (a) Six hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education;
 - (b) Six hours of clinical ethics training;
 - (c) Six hours of clinical supervision specific training; and
 - (d) Six hours selected from the following list:
 - (i) nicotine use disorder;
 - (ii) psychopathology;
 - (iii) evidence-based treatment;
 - (iv) substance use disorder issues and older adults;
 - (v) substance use disorder issues and veterans; and
 - (vi) substance use disorder issues and domestic violence.

All hours listed in this Item may be included in the 180 hours of substance use disorder training required for licensure;

- (2) A copy of a substance use disorder specialty certificate or transcript if the applicant is applying under Criteria C as defined in G.S. 90-113.40 (c)(3), or is seeking education credit as described in Item (1) of this Rule under any other criteria outlined in G.S. 90-113.40 (c);
- (3) An official transcript of completed masters or other advanced degree in a human services field with a clinical application as found in Rule .0101(5) of this Chapter, if not previously submitted under Item (2) of this Rule;
- (4) A completed application found on the Board's website; 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 fee of twenty-five dollars (\$25.00) and payment of a non-refundable certification fee of two hundred dollars (\$200.00).
 - (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 fifty dollars (\$150.00). An applicant seeking credentialing pursuant to Criteria D (Deemed Status) who has not completed an examination as required by G.S. 90-113.41(b), shall complete and pass the examination at his or her own expense.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.40; 90-113.41;
Temporary Adoption Eff. November 15, 1997;
Eff. April 1, 1999;
Amended Eff. January 1, 2014; August 1, 2002;
Readopted Eff. April 10, 2019;
Amended Eff. July 1, 2022.

21 NCAC 68 .0306 RENEWAL OF LICENSED CLINICAL ADDICTIONS SPECIALIST

(a) An applicant who is in the deemed status group shall submit the following every two years, prior to their license expiration:

- (1) A completed application and a copy of the applicant's current substance use disorder certificate or its equivalent from the deemed status professional discipline; and
 - (2) A non-refundable renewal 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 completion of 40 hours of education pursuant to Rule .0401 of this Chapter during the current licensing period. A minimum of 30 hours shall be substance use disorder specific. This education may include a combination of hours, including attending and providing workshops.
- (3) Meet re-licensing educational guidelines as a substance use disorder 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 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.
 - (C) All applicants shall include three hours of HIV/AIDS/STDS/TB/Bloodborne pathogens training and education, three hours of clinical 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 with continuing education documented.
- (5) Submit a non-refundable one hundred fifty dollar (\$150.00) renewal fee.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.37A; 90-113.38; 90-113.39; 90-113.41A; Temporary Adoption Eff. November 15, 1997; Eff. August 1, 1998; Amended Eff January 1, 2014; April 1, 2003; August 1, 2002; Readopted Eff. April 10, 2019; Amended Eff. July 1, 2022.

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 their professional discipline may be subject to revocation of the credential following an investigation by the Ethics Committee of the Board.
- (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.

History Note: Authority G.S. 90-113.30; 90-113.40; 90-113.41; 90-113.41A; Temporary Adoption Eff. November 15, 1997; Eff. August 1, 1998; Readopted Eff. October 1, 2020.

SECTION .0400 - EDUCATION

21 NCAC 68 .0401 EDUCATION APPROVAL POLICY

- (a) The Board shall approve educational events for professional credentialing. One "approved educational 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 the rules of this Section. 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. 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, and 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 use disorder specific, general skill building, or required training pursuant to other specialized credentials including Criminal Justice Addictions Professionals, Clinical Supervisors, or Prevention Specialists.
 - (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; and
 - (5) the sponsor or individual seeking approval shall pay an annual fee as follows:

- (A) twenty five dollars (\$25.00) for up to 10 hours;
- (B) fifty dollars (\$50.00) for more than 10 hours and up to 20 hours;
- (C) seventy five dollars (\$75.00) for more than 20 hours and up to 30 hours;
- (D) one hundred dollars (\$100.00) for more than 30 hours and up to 40 hours;
- (E) one hundred twenty five dollars (\$125.00) for more than 40 hours.

(c) Training approved by IC&RC and its 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. The presenting agency or organization may contract with outside trainers to present to their employees and this shall be considered in-service training.

(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.

(g) In accordance with G.S. 90-113.40(a)(6), the Board shall only grant education hours for college courses in the subject areas of human services, counseling, mental health, and addictions. The Board shall grant 15 contact hours of education for each college or university semester credit; the standard 3 credit semester course shall be equal to 45 contact hours of education.

*History Note: Authority G.S. 90-113.30; 90-113.40;
Eff. August 1, 1996;
Readopted Eff. October 1, 2020.*

21 NCAC 68 .0402 GENERAL TRAINING PRE-APPROVAL GUIDELINES

(a) The rules of this Section shall apply to each approval request for obtaining credit for didactic and academic hours for course, curricula, and training events seeking pre-approval from the Board for professionals to use to meet their educational requirements for initial credentialing or renewal.

(b) The Board shall have the right to review programs by sending a Board member or designee to monitor the event or a portion of the event. When fulfilling this quality assurance role, the designated person shall notify the presenter or training sponsor in writing.

(c) Education hours shall be awarded only for actual hours attended.

(d) Providers of Board approved events shall be required to document attendance at individual events for schools, courses, curricula, and conferences.

(e) Event sponsors shall maintain attendance and evaluation records for a minimum of three years.

*History Note: Authority G.S. 90-113.30; 90-113.40;
Eff. August 1, 1996;
Readopted Eff. October 1, 2020.*

21 NCAC 68 .0403 IN-SERVICE TRAINING EVENT

(a) An in-service event shall be a training session that shall be provided by the applicant's employer for the purpose of professional credentialing and limited to the employees of that agency. The Board shall accept in-service training for professional credentialing and renewal but reserves the right to attend and evaluate the in-service training as described in Rule .0402 of this Section.

(b) An applicant's training in substance use disorder and prevention provided as part of military employment shall be considered in-service training.

*History Note: Authority G.S. 90-113.30; 90-113.40;
Eff. August 1, 1996;
Readopted Eff. October, 1, 2020.*

21 NCAC 68 .0404 CREDIT DENIAL OR LIMITATION

The Board may deny credit approval based on failure to provide accurate information to the Board as part of the credit approval application.

History Note: Authority G.S. 90-113.30; 90-113.40;
Eff. August 1, 1996;
Readopted Eff. October 1, 2020.

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 submitted after the event has taken place may not be reviewed or approved by the Board.
- (b) All approvals from the Board 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, shall be given approval on a yearly basis. Renewal of credit approval shall be based on notification 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.

History Note: Authority G.S. 90-113.30; 90-113.38; 90-113.40;
Eff. August 1, 1996;
Readopted Eff. October 1, 2020.

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

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;
Repealed Eff. October 1, 2020.

21 NCAC 68 .0407 EDUCATION SUBMISSION GUIDELINES

- (a) 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.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.40;
Eff. August 1, 1996;
Readopted Eff. October 1, 2020.

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

21 NCAC 68 .0501 PURPOSE AND SCOPE

- (a) The Board may deem violation of these ethical principles of the Board, malpractice, negligence, incompetence, or engaging in conduct that could result in harm or injury to the public, as stated in G.S. 90-113.44(a)(9).
- (b) Ethical principles shall provide a standard for the substance use disorder professional in his or her professional roles, relationships, and responsibilities.
- (c) Upon submission of an application for a credential, each applicant shall review the ethical principles in these Rules, and agree to uphold the ethical principles of of this Section.

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;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0502 NON-DISCRIMINATION

The substance use disorder professional shall not discriminate against clients or other professionals based on race, religion, age, sex, handicaps, national ancestry, sexual orientation, or economic condition.

History Note: Authority G.S. 90-113.30; 90-113.33; 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;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0503 COMPETENCE

- (a) The substance use disorder professional shall employ their knowledge, skill and proficiencies within their scope of practice.
- (b) The substance use disorder professional shall respect 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 use disorder professional shall provide the interpretive services to any client or refer the person for services.
- (d) The substance use disorder professional shall assist in eliminating prevention, intervention, treatment, and supervision practices by persons unqualified or unauthorized to practice in the field.
- (e) The substance use disorder professional who knows of unethical conduct, as defined by the rules of this Chapter, by a substance use disorder professional shall report such violations to the Board.
- (f) The substance use disorder 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 use disorder 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 use disorder professional shall complete reports and record keeping functions in a manner that supports the client's treatment experience and welfare.
- (i) The substance use disorder professional shall recognize the negative impact impairment has on his or her functioning in public and professional performance and shall report the impairment to the Board for investigation and review, which may result in disciplinary or non-disciplinary action.

History Note: Authority G.S. 90-113.30; 90-113.36; 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;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0504 LEGAL STANDARDS AND ETHICAL STANDARDS

- (a) The substance use disorder professional shall not claim or imply educational, experiential, or professional qualifications or affiliations that the substance use disorder professional does not possess.
- (b) The substance use disorder professional shall not use membership on the Board for purposes that are not consistent with the rules of this Chapter. No Board member shall advertise, promise, or provide special treatment to any individual because of membership on the Board or its committees.
- (c) The substance use disorder 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 use disorder professional shall follow all state and federal laws 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;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0505 EDUCATION AND TRAINING STANDARDS

- (a) The substance use disorder 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 use disorder professional shall not knowingly make false, deceptive, or fraudulent statements concerning their services, fees, clinical research, or degree of success of their professional 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;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0506 PUBLICATION CREDIT

The substance use disorder 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 use disorder professional shall recognize joint authorship contributions made by several persons to a common project. The author who has made the principal contribution to a publication shall be identified as a first listed.
- (2) The substance use disorder professional shall acknowledge, through specific citations, unpublished, as well as published material, that has influenced the research or writing.
- (3) The substance use disorder 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: 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. October 1, 2020.

21 NCAC 68 .0507 CLIENT WELFARE

- (a) The substance use disorder professional shall protect the safety and welfare of the client.
- (b) The substance use disorder 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 use disorder professional, in the presence of professional conflict, shall be concerned primarily with the welfare of the client.
- (d) The substance use disorder 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 use disorder 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 use disorder professional who anticipates the cessation or interruption of service to a client shall notify the client and seek the cessation, transfer, referral, or continuation of service in relation to the client's needs and preferences.
- (g) The substance use disorder professional shall not use a client in a demonstration that would violate the confidentiality of the client.
- (h) The substance use disorder professional shall deliver services in a setting that respects client confidentiality.
- (i) The substance use disorder 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;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0508 CONFIDENTIALITY

- (a) The substance use disorder professional shall protect the privacy of current and former clients and shall not disclose confidential information without prior consent.
- (b) The substance use disorder 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 use disorder professional shall make provisions for the maintenance of confidentiality and the ultimate disposition of confidential records.
- (d) The substance use disorder professional shall disclose confidential information only in accordance with state confidentiality rules found in 10A NCAC 26B and in 42 CFR Part 2.
- (e) With prior written consent the substance use disorder 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 use disorder professional shall use material in classroom teaching and writing only when the identity of the person involved is disguised 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;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0509 CLIENT RELATIONSHIPS

- (a) The substance use disorder professional shall not enter into a client-professional relationship with members of the professional'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. For the purpose of this Rule "dual relationships" includes relationships in a social media setting where the professional and client have access to privileged information including relationships, photographs, and personal thoughts and opinions of the professional and the client.
- (c) Sexual activity or sexual contact of a substance use disorder professional with a client shall be restricted as follows:
 - (1) The substance use disorder professional shall not engage in or solicit sexual activity or sexual contact with a current client.
 - (2) The substance use disorder 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 use disorder professional shall not engage in or solicit sexual activity or sexual contact with any client the professional knows to be currently in treatment at their own agency or place of professional employment.
 - (4) The substance use disorder professional shall not knowingly engage in or solicit sexual activity or sexual contact with any identified former client of their 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 use disorder professional shall not engage in sexual activities with a former client even after a five-year interval unless the substance use disorder 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 use disorder 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 use disorder professional shall not misuse their professional relationship for sexual, financial, or any other personal advantage.

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;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0510 INTERPROFESSIONAL RELATIONSHIPS

- (a) The substance use disorder professional shall treat colleagues with respect, courtesy, and fairness and shall afford the same professional courtesy to other professionals.
- (b) The substance use disorder 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 use disorder professional shall cooperate with the committees of the board and supply requested information unless prohibited by law.

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. April 1, 2001;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0511 REMUNERATION

- (a) The substance use disorder professional shall establish financial arrangements to protect against fraud and deceptive business practices 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 use disorder 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 use disorder 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) The substance use disorder professional shall make available written policies and procedures available to their clients or persons serviced. The substance use disorder professional shall present referral options to the client or person served if available.
- (e) A substance use disorder professional shall not use their 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;
Readopted Eff. October 1, 2020.*

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 their 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 an immediate family member. For the purpose of this Rule, "immediate family member" means spouse, parent, sibling, child, grandparent, grandchild, stepchild, stepparent, parent-in-law, and child-in-law;
 - (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) trained in and knowledgeable about supervision methods and techniques;
- (4) supervise or consult only within their knowledge, training, and competency; and
- (5) guide their supervisee to perform services in accordance with the ethical principles of this Chapter. As authorized by the supervisee's employer, the supervisor shall assign to their supervisees only those tasks or duties that these individuals can be expected to perform, based on the supervisee's education, experience, or training, either independently or with the level of supervision being provided;
- (6) withhold 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) withhold endorsement of 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; and
- (10) review documentation of previously supervised work experience, provided by the supervisee, for the purpose of credentialing by the Board. The supervisor may verify these hours to the Board if the supervisor deems that the supervision was performed and may include these verified hours in their evaluation to the Board.

(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, the Board shall notify the supervisee that they have 30 days to obtain a supervisor to retain the current credential. The supervisee shall add a new supervisor or otherwise update their supervision contract signed and dated by the supervisor and supervisee on file with 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;*

Readopted Eff. October 1, 2020.

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 use disorder 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 their credential on the basis of fraud; or
 - (g) assisting any uncredentialed person to practice as a credentialed substance use disorder 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;
 - (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; and
 - (c) entering into personal financial arrangements with a client or person served in violation of Rule .0511 of this Chapter.
- (5) illegal acts or practices:
 - (a) violation of Rule .0508 of this Chapter;
 - (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 credentialed in this State acting in the same or similar circumstances;
 - (b) practicing outside their scope of practice.
 - (c) use of drugs including alcohol to the extent that professional competency is affected or that the professional suffers impairment; or
 - (d) refusal to seek treatment for chemical dependency or mental health problems which impair professional performance.
- (7) In professional relationships, the following are prohibited:
 - (a) knowingly offering professional services to a client in a professional relationship with another substance use disorder 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 use disorder treatment 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 use disorder professional;

- (d) accepting or charging a fee when no substance use disorder 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; 90-113.39; 90-113.40; 90-113.42; 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; August 1, 2000; Readopted Eff. October 1, 2020.

21 NCAC 68 .0602 COMPLAINT PROCEDURES

- (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 use disorder professional by submitting a complaint through the Ethics Complaint Form found on the Board's website.
- (b) Form. The complaint shall be in written or typed format stating the nature of the alleged offense and signed or attested to be true 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; and
 - (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; and
 - (3) inform the respondent that failure to respond in writing within 15 days may result in revocation of credential.
- (f) Notice shall be given by regular postage mail, certified mail, or personal service at the last known address of the respondent. If given by certified mail, notice shall be deemed to have been given on the delivery date appearing on the return receipt.
- (g) The Board may receive official correspondence in an ethics case through e-mail in order to further the investigation or when the subject of an investigation is unable to use or has been unresponsive to certified mail or other methods of delivery. The Board may use local law enforcement or a private investigator licensed by Private Protective Services Board to personally serve a respondent.
- (h) 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 prior to the first publication a copy of the notice to respond by publication to the respondent's last known address. Upon completion of 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 (g) 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.

(i) 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;
Readopted Eff. October 1, 2020.*

21 NCAC 68 .0603 INVESTIGATION OF COMPLAINT

(a) The Ethics Committee chairperson, in consultation with the executive director or their 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 shall notify the respondent of the dismissal; and
- (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 subcommittees shall review a report referred by the Ethics Committee 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;
Readopted Eff. October 1, 2020.*

21 NCAC 68 .0604 HEARING BEFORE BOARD

(a) A hearing shall be initiated:

- (1) at the call of the Ethics Committee chairperson, Ethics Committee, or Ethics Committee 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;
Readopted Eff. October 1, 2020.*

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 without the consent of the Respondent.
- (b) Disciplinary or other actions by the Board with the Respondent's consent may be stayed while the Respondent satisfies all of the conditions of the consent order.
- (c) For the purposes of this Chapter:
- (1) "Admonish" 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. An admonishment is more severe than a reprimand and less severe than a censure.
 - (2) "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. A reprimand is more less severe than an admonishment.
 - (3) "Censure" 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. A censure is the most severe level of discipline that allows the professional to continue to practice.

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.34; 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;
Readopted Eff. October 1, 2020.*

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 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, unless previously addressed by the Board or committee of the Board.
- (c) The substance use disorder professional shall notify the Board within 30 days from the date of any charges, conviction or finding of guilt, or pleading of nolo contendere for all criminal convictions. This reporting shall include DWI charges, arrests, and convictions but exclude all other traffic convictions pursuant to G.S. 20.
- (d) Failure to report these criminal convictions shall be considered a violation of the ethical principles of the Board.

*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;
Readopted Eff. October 1, 2020.*

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; and
- (7) other factors which may reflect upon the competency, ethical standards, and professional conduct of the individual.

History Note: Authority G.S. 90-113.33; 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;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0608 CONFIDENTIALITY

Except to pursue notification of respondent of a complaint as set out in Rule .0602 of this Section and to share 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 Ethics Committee, and its staff.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.34;
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. August 1, 1998;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0609 PETITION FOR REOPENING CASE

- (a) If a party 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 their failure to appear was due to personal or family medical emergency.
- (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: Authority G.S. 90-113.30; 90-113.33; 90-113.34; 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;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0610 AWARDING THE CREDENTIAL FOLLOWING DENIAL

- (a) Upon a showing that there are circumstances that could establish a basis for reinstatement of a credential following its denial, the Board may reinstate or credential the respondent.
- (b) A request for reinstatement of the credential following its denial shall be initiated by the respondent.
- (c) 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; and
- (5) restitution made.

History Note: Authority G.S. 90-113.30; 90-113.33; 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; Readopted Eff. October 1, 2020.

21 NCAC 68 .0611 PROOF OF REHABILITATION

- (a) As used in G.S. 90-113.44 and in the rules of this Chapter, rehabilitation from impairment 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 six month period of rehabilitation may be extended pursuant to the treatment recommendations from a Board-approved assessor, and 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, treatment history and functioning prognosis;
 - (5) Return to substance use; 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; Readopted Eff. October 1, 2020.

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 use disorder 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 shall not be 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 to 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, to include disciplinary and non-disciplinary actions.

History Note: Authority G.S. 90-113.33; 150B-22; 150B-38(h); Eff. April 1, 2001;

Amended Eff. April 1, 2011;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0620 PUBLICATION OF ETHICS SANCTIONS

Sanctions of admonition, reprimand, censure, suspension, or revocation of a credential shall be published by the Board.

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;
Readopted Eff. October 1, 2020.

SECTION .0700 – APPEALS PROCESS

21 NCAC 68 .0701 HEARING BEFORE BOARD: TIME REQUIREMENT

- (a) Upon denial, suspension, or revocation of a credential, 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 a credential 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;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0702 RIGHT TO HEARING

- (a) When the Board proposes to deny, suspend, or revoke a credential, 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 the 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.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. August 1, 1996;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0703 REQUEST FOR HEARING

- (a) Any applicant to be credentialed by this Board who believes their 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 eligibility to be credentialed.
- (b) Before an applicant or credentialed individual may file a request, they shall first attempt to resolve the issue informally with the Board.
- (c) The chairperson of the Ethics Committee or their 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 credentialed individual;
 - (2) statement of the action taken by the Board which is challenged;
 - (3) statement of the way in which the applicant or credentialed individual has been aggrieved; and
 - (4) statement of request for a hearing.
- (e) A request for a hearing shall be acknowledged and a hearing shall be scheduled.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. August 1, 1996;
Readopted Eff. October 1, 2020.

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 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;
Readopted Eff. October 1, 2020.

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 shall 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 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;
Readopted Eff. October 1, 2020.

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 in accordance with G.S. 150B-40(e). The Chair or their 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;
Readopted Eff. October 1, 2020.

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 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, or evidence, which are imposed on the intervenor.
- (e) Upon the Board's decision to deny intervention, the petitioner shall be notified. 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;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0708 TYPES OF INTERVENTION

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. August 1, 1996;
Repealed Eff. December 1, 2020.

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 them unable to conduct or participate in the hearing and perform all duties in an impartial manner, they shall notify the Board Chair of their 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 shall 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 Chair 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 shall decide whether to disqualify the challenged individual.
 - (3) The person whose disqualification is to be determined shall 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 shall 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;
Readopted Eff. October 1, 2020.