



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: NC Social Work Certification and Licensure Board

2. Rule citation & name: 21 NCAC 63 .0810

3. Action: ☒ Adoption ☐ Amendment ☐ Repeal

4. Was this an Emergency Rule: ☒ Yes ☐ No Effective date: April 8, 2020

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: March 30, 2020
- b. Proposed Temporary Rule published on the OAH website: April 3, 2020
- c. Public Hearing date: April 14, 2020
- d. Comment Period: April 14, 2020 through May 12, 2020
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): March 30, 2020
- f. Adoption by agency on: June 5, 2020
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☒ A serious and unforeseen threat to the public health, safety or welfare.
- ☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.  
Cite:  
Effective date:
- ☐ A recent change in federal or state budgetary policy.  
Effective date of change:
- ☐ A recent federal regulation.  
Cite:  
Effective date:
- ☐ A recent court order.  
Cite order:
- ☐ State Medical Facilities Plan.
- ☐ Other:

**Explain:** In light of the State of National Emergency declared by President Trump as a result of the COVID-19 Virus, and the urgent need to have licensed clinical social workers available to provide clinical social work services to clients and associate licensees impacted by the COVID-19 Virus, the Board has determined to waive certain provisions in its rules, as set forth below, and during the effective period of this Temporary Rule.

**7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?** During this State of National Emergency, it is necessary that we eliminate barriers and develop creative solutions to aid social workers in meeting competency requirements to include flexibility with time frames for acquiring and maintaining social work license and flexibility in the delivery of clinical supervision and continuing education contact hours.

**8. Rule establishes or increases a fee? (See G.S. 12-3.1)**

☐ Yes

Agency submitted request for consultation on:  
Consultation not required. Cite authority:

☒ No

**9. Rule-making Coordinator:** Elizabeth N. Pope

**Phone:** 336-625-1679, Ext. 226

**E-Mail:** epope@ncswboard.org

**Agency contact, if any:**

**Phone:**

**E-Mail:**

**10. Signature of Agency Head\*:**

*Garlande Powell*

\* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

**Typed Name:** Garlande C. Powell, MSW, LCSW, LCAS, CCS, ICCS

**Title:** Chair

**E-Mail:** garlandencswclb@gmail.com

**RULES REVIEW COMMISSION USE ONLY**

**Action taken:**

**Submitted for RRC Review:**

☐ Date returned to agency:

TEMPORARY RULES  
REQUEST FOR TECHNICAL CHANGE

AGENCY: Social Work Certification and Licensure Board

RULE CITATION: 21 NCAC 63 .0810

**DEADLINE FOR RECEIPT: Tuesday, June 16, 2020**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

*On the Temporary Rulemaking Findings of Need Form, Form 0500:*

*In Box 2, please insert the rule name.*

*In the Rule:*

*At the May meeting, the RRC reviewed a rule similar to this one, 21 NCAC 61 .0901. I suggest you mirror the language that agency used by replacing the language on liens 4-6 and simply stating:* In light of the State of National Emergency declared by President Trump as a result of the COVID-19 Virus, the Board has determined to waive certain provisions in its rules, as set forth in this Rule.

*If you want to retain it, then what is an "urgent" need?*

*On line 7, do not use "below" and why are you saying, "during the effective period of this Temporary Rule"?*

*In (1), line 10, I take it you can't state within the Rule how many hours will be allowed because it varies between classes within Rule .0211?*

*On lines 11-12, why do you need to state that this only going to be in effect for the duration of the emergency? The Rule is going to remain in effect for 270 days, so how can you cut off the length of the effectiveness? If that is not the intent and you are saying that the waiver is only in effect for the duration of the Rule, then the language is unnecessary.*

*The language on lines 12-14 is contained within Rule .0211(a)(4). Why are you reciting it here?*

*You end Item (1) with a semicolon and Item (2) with a period. Please be consistent here. Either end (1) with a period or (2) with a semicolon and "and"*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: June 12, 2020

*In (2), line 18, what will this request contain? A request for the limited extension?*

*On line 20, how will the Board determine the duration of the license extension? Is it on a case-by-case basis or is this going to depend upon when the exam can be offered again?*

*In (3), this is a very long sentence. I suggest breaking it up into two by ending the sentence after “.0401” on line 24. Then state, “A minimum of...”*

*On line 22, consider replacing “to” before “permit” with “and”*

*On line 24, please clarify whether you are now requiring an additional four hours of distance learning to be these topics. Should this read, “A minimum of four contact hours of distance learning continuing education shall be focused on ethics related to ...”?*

*In the History Note, do not cite to G.S. 150B-19(6). That does not confer rulemaking authority.*

*Please change your History Note so that it looks like this:*

*History Note: Authority G.S. 90B-6; ~~150B-19(6)~~;  
Emergency Adoption Eff. April 8, 2020.  
Temporary Adoption Eff. June 26, 2020.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: June 12, 2020

21 NCAC 63 .0810 is adopted under temporary procedures as follows:

**21 NCAC 63 .0810           WAIVER**

In light of the State of National Emergency declared by President Trump as a result of the COVID-19 Virus, and the urgent need to have licensed clinical social workers available to provide clinical social work services to clients and associate licensees impacted by the COVID-19 Virus, the Board has determined to waive certain provisions in its rules, as set forth below, and during the effective period of this Temporary Rule:

- (1) The Board shall waive the requirement for licensure set forth in 21 NCAC 63 .0211(a)(4) that requires preapproval by the Board to engage in more than 20 hours of supervision provided through the use of technology. This waiver will allow for up to half of the required supervision hours to be provided through the use of technology. This expanded definition will only apply until the state of emergency is lifted. All supervision provided through the use of technology shall be synchronous, involve visual and audio interactions throughout the entire session, and shall take place in such a manner as to maintain the confidentiality of the communication;
- (2) The Board shall waive the requirement for licensure set forth in 21 NCAC 63 .0301 that requires applicants for licensure to pass the qualifying examination within two years of the initial application. An applicant who is unable to take the licensing examination prior to the expiration of the associate license due to the testing service locations being closed shall make a written request to the Board. The Board shall provide a limited extension of the licensee's associate license and grant each associate licensee an extension to take the licensing examination not to surpass December 31, 2020.
- (3) The Board shall waive the requirement for licensure set forth in 21 NCAC 63 .0401(c)(4) that allows for half of the required continuing education accepted as distance learning to permit all hours for renewal to be accepted through distance learning that meet the requirements of 21 NCAC 63 .0401 and to include a minimum of four contact hours of continuing education focused on ethics related to social work practice and ethical decision making.

*History Note: Authority G.S. 150B-19(6); 90B-6*