

21 NCAC 63 .0202 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0202 APPLICATION PROCESS

~~Applications, inquiries and forms shall be obtained from and returned to the Board. Applicants must submit only forms obtained directly from the Board office.~~

(a) Pursuant to G.S. 90B-7, any person desiring to obtain a certificate or license from the Board shall make application to the Board. Applications not completed within two years of submission to the Board shall be denied. Application forms and instructions may be found on the Board's website at <https://www.ncswboard.org>.

(b) All applications for certification or licensure shall contain the following:

- (1) the applicant's contact information;
- (2) the social security number of the applicant;
- (3) the requested designation of licensure or certification type;
- (4) educational history and degree attainment;
- (5) the names and contact information of three persons supplying professional reference forms in support of the applicant's application, as well as the length of time that **said** **the** persons have known the applicant;
- (6) employment history;
- (7) whether the applicant has ever been certified, licensed, or registered to practice social work by the Board, by another occupational Board, or in another state/jurisdiction and, if so:
 - (A) what credential was held;
 - (B) in what state/jurisdiction;
 - (C) the issuance date and expiration date; and
 - (D) what examinations were taken to obtain said certification, licensure, or registration;
- (8) whether the applicant has ever had a credential denied, limited, reprimanded, suspended, or revoked;
- (9) whether the applicant has ever been convicted of a felony or misdemeanor under any laws;
- (10) whether any criminal charges are pending against the applicant;
- (11) whether any court, board, agency, or professional organization has found the applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice;
- (12) whether any charges are pending against the applicant before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice;
- (13) three professional references, as prescribed in 21 NCAC 63 .0204, provided in a sealed envelope with the signature of the reference over the sealed closure;
- (14) official score reports showing passage of the required examination, as prescribed herein and in 21 NCAC 63 .0301, provided from the examination testing provider;

- (15) official transcripts, as prescribed in 21 NCAC 63 .0203, provided either from [said] the institution directly to the Board or from the applicant to the Board in an envelope that is sealed by [said] the institution;
- (16) the applicant's affirmation that:
- (A) the applicant has read the North Carolina General Statute 90B Social Work Certification and Licensure Act, including the Board's rules, ethical guidelines, and disciplinary procedures, which are available on the Board's website at <https://www.ncswboard.org>;
 - (B) the information provided by the applicant in the application is true;
 - (C) the applicant consents to a criminal history record check; and
 - (D) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding 12-month period, as prescribed by G.S. 143-789; and
- (17) the application fee, as prescribed in 21 NCAC 63 .0208.
- (c) In addition to the items set forth in Paragraph (b) of this Rule, applicants for certification as a certified social work manager shall provide a completed CSWM Administrative Supervision Form, as prescribed in Paragraph (e) of this Rule, and an Employment Verification Form, as prescribed in Paragraph (f) of this Rule, to demonstrate supervised administrative experience attained in the preceding six years.
- (d) Applicants for licensure as a licensed clinical social worker who are licensed by the Board as licensed clinical social worker associates at the time of application shall provide to the Board the LCSW Short-Form Application, which contains the following:
- (1) the applicant's name, the number of ~~his or her~~ the applicant's licensed clinical social worker associate license, and contact information;
 - (2) the signature of the applicant and the applicant's LCSW supervisor;
 - (3) whether the LCSW supervisor recommends that the applicant continue supervised clinical practice at the LCSWA level or recommends the applicant for LCSW licensure;
 - (4) the applicant's certification that:
 - (A) the applicant has completed the requirements to obtain licensure in North Carolina as a LCSW as set forth in G.S. 90B-7(d);
 - (B) the applicant has read the North Carolina General Statute 90B Social Work Certification and Licensure Act, and the Board's rules, ethical guidelines, and disciplinary procedures, which are available on the Board's website at <https://www.ncswboard.org>, and agrees to comply with them;
 - (C) the information provided by the applicant in the application is true;
 - (D) the applicant has not violated any of the Board's governing statutes or rules; and
 - (E) the applicant has not been convicted of a misdemeanor or felony crime since submitting his or her initial application for associate licensure; [and]

1 ~~[(F)]~~ ~~[the applicant has read and understands the public notice statement on employee~~
2 ~~misclassification that is set forth in the application and has disclosed any investigations for~~
3 ~~employee misclassification, and its results, over the preceding 12 month period, as~~
4 ~~prescribed by G.S. 143-789;]~~

5 (5) the application fee, as prescribed in 21 NCAC 63 .0208; and

6 (6) a list of all continuing education hours taken since the applicant was licensed as a LCSWA or since
7 renewal of LCSWA licensure that provides the name of the course taken, the date on which the
8 course was taken, the length of the course taken, and whether the course taken was distance learning
9 or for ethics.

10 (e) A CSWM Administrative Supervision Form shall contain the following:

11 (1) the name of the applicant and his or her supervisor;

12 (2) the applicant's position;

13 (3) a description of the applicant's administrative duties and responsibilities for the employer;

14 (4) where the applicant worked during the time that supervision was provided to the applicant;

15 (5) dates during which the applicant was employed;

16 (6) total number of hours during which the applicant was employed;

17 (7) dates during which the supervisor provided administrative supervision;

18 (8) total number of hours during which the supervisor provided individual administrative supervision
19 to the applicant;

20 (9) total number of hours during which the supervisor provided group administrative supervision to the
21 applicant;

22 (10) total combined hours of individual and group hours provided to the applicant; and

23 (11) the supervisor's certification that the information set forth in the CSWM Administrative Supervision
24 Form is correct and that the supervisor is certified with the Board on at least one level and has a
25 minimum of two years of administrative experience in a social work or mental health setting.

26 (f) An Employment Verification Form shall be completed for each place of employment ~~[in which]~~ **where** the
27 applicant has worked over the preceding six years and shall contain the following:

28 (1) the applicant's name and contact information;

29 (2) the applicant's license number, if a license is held;

30 (3) the name and contact information of the applicant's place of employment;

31 (4) the title of the applicant's position;

32 (5) whether the applicant is authorized to provide clinical services on behalf of the employer;

33 (6) the applicant's duties for the employer, as documented in a job description on the employer's
34 letterhead;

35 (7) the name and license number of the applicant's clinical supervisor;

36 (8) whether the applicant's supervisor provided supervision to the applicant in person or remotely;

37 (9) the date of the applicant's employment;

1 (10) whether the applicant was employed full-time, part-time, or pro re nata;

2 (11) whether the applicant is paid a fee or salary for services performed; and

3 (12) the employer's signature, contact information, and the date completed.

4 On the Employment Verification Form, the applicant shall provide the information requested in Paragraph (f)(1)-(2)
5 of this Rule and the applicant's employer shall provide the information requested in Paragraph (f)(3)-(12) of this Rule.

6
7 *History Note: Authority G.S. 90B-6; 90B-7; 93B-8.1(c); [143-789;]*

8 *Eff. August 1, 1987;*

9 *Temporary Amendment Eff. October 1, 1999;*

10 *Amended Eff. July 1, 2000;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
12 *19, ~~2015~~; 2015;*

13 *Amended Eff. October 1, 2021.*

21 NCAC 63 .0204 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0204 REFERENCES

(a) Applicants for ~~all the LCSW and CSWM~~ classifications shall have a minimum of three references related to the applicant's social work experience. ~~experience, as required by G.S. 90B 7(d) and (e). Applicants for other classifications shall have a minimum of three references.~~ The Board shall not accept references by relatives, clients, or subordinates of applicants. A current Board member shall not submit a reference for an applicant unless ~~he or she~~ the Board member is the applicant's current or only social work supervisor. In such a case the Board member may submit a reference, but ~~he or she~~ the Board member shall ~~excuse himself or herself~~ recuse [oneself] from review of that applicant.

(b) All references shall come from individuals who have or had a professional association with the applicant and have knowledge of the applicant's professional experience in the practice of social work.

(c) For applicants for LCSWA licensure, at least one reference shall be from ~~one~~ a person who has been or is currently supervising the applicant in a social work setting.

(d) For applicants from other jurisdictions seeking certification or licensure in accordance with G.S. 90B-8, at least one reference shall be from a registered, certified, or licensed social worker who has been or is currently practicing in a social work setting.

(e) All references shall be on a form prescribed by the Board, which is available on the Board's website at ncswboard.org, and shall contain the following:

- (1) the name of the applicant and the classification for which the applicant is applying;
- (2) the name of the person completing the reference;
- (3) the applicant's signature and applicant's indication as to whether or not the applicant waives the right to access the information provided by the person completing the reference;
- (4) the profession of the person completing the reference;
- (5) the position of the person completing the reference;
- (6) the relationship between the applicant and the person completing the reference;
- (7) how long the person completing the reference has known the applicant;
- (8) whether the person completing the reference believes that he or she has limited, moderate, or thorough knowledge of the applicant's professional qualifications;
- (9) whether the applicant has ever been guilty of unprofessional conduct, dishonest practice, incompetence, or fraud, if known by the person completing the reference;
- (10) if the person completing the reference is aware of any issues such as substance abuse or emotional disorders that would impair the applicant's ability to practice;
- (11) if the person completing the reference has any concerns about the applicant that he or she would like to bring to the Board's attention and if so, a description;

- 1 (12) a rating of poor, good, superior, or unknown for the applicant's professional judgement, ethical
2 conduct, competence and skill, **ability to convey** concern and empathy, record keeping, client
3 relationships, written communication, verbal communication, and social work knowledge base;
4 (13) whether the person completing the reference, in his or her discretion, would recommend the
5 applicant highly without reservation; recommend the applicant as qualified and competent;
6 recommend the applicant with some reservation and if so, to explain accordingly; or would not
7 recommend the applicant and if not, to explain accordingly;
8 (14) a narrative of the applicant's strengths, weaknesses, special skills, reservations, or other information
9 related to the applicant's suitability for certification or licensure, including any reservations held by
10 the person completing the reference regarding the applicant; and
11 (15) the signature and contact information of the person completing the reference.

12
13 *History Note: Authority G.S. 90B-6; 90B-7; 90B-8;*
14 *Eff. August 1, 1987;*
15 *Temporary Amendment Eff. October 1, 1999;*
16 *Amended Eff. January 1, 2009; April 1, 2001;*
17 *Readopted Eff. February 1, ~~2017~~ 2017;*
18 *Amended Eff. October 1, 2021.*

21 NCAC 63 .0209 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0209 EXAM ELIGIBILITY

(a) The Board shall review each application submitted pursuant to 21 NCAC 63 .0202 and .0207 to determine whether an applicant's applicant possesses the educational, supervision, and examination qualifications for eligibility for a particular level of certification. ~~certification or licensure, pursuant to G.S. 90B-7. An applicant will be notified in writing if he/she is ineligible for the requested level of certification.~~ To be considered eligible to take the Clinical examination, an applicant must have two years of experience in a clinical social work setting documented with the Board and a MSW. To be considered eligible to take the Advanced Generalist examination, an applicant must have two years of experience in an administrative social work setting. He/she may then apply for another level of certification. If an applicant is found to be ineligible for any level of certification, he/she may not sit for any examination.

(b) An applicant shall be notified in writing if found to be ineligible for the requested level of certification. If an applicant is found ineligible for the particular level of certification or licensure for which [he or she] the applicant has applied, the applicant may request in writing to the Board that the applicant be considered for eligibility for another level of certification or licensure for which the applicant possesses the minimum education, supervision, and examination qualifications. Such request must be made no later than 30 days following the date on which the applicant received written notification of ineligibility, as set forth in Paragraph (a) of this Rule. If an applicant is found to be ineligible for any level of certification or licensure, the applicant shall not be allowed to sit for any examination.

(c) If an applicant is found eligible for the particular level of certification or licensure for which [he or she] the applicant has applied, the Board shall issue the applicant notification of exam candidacy approval. Upon receipt, the applicant shall submit to the Board an Exam Request Form or Clinical Exam Request Form, as described in Paragraph (e) and (f) of this Rule, and the fee set forth in 21 NCAC 63 [.0303] .0306 to initiate the exam process.

(d) Upon receipt of the applicant's Exam Request Form and the fee set forth in 21 NCAC 63 [.0303] .0306, the Board shall forward to the applicant instructions for registering to sit for the examination and the deadline by which the exam eligibility shall expire, which is determined in accordance with the ASWB Examination Candidate Handbook that is available at <http://aswb.org>. If the applicant fails to take the examination before the deadline by which the exam eligibility shall expire, the applicant must submit another Exam Request Form and the fee set forth in 21 NCAC 63 .0303 in order to take the examination. If the applicant takes but fails the examination, the applicant must submit another Exam Request Form and the fee set forth in 21 NCAC 63 .0303 in order to re-take the examination, even if the expiration date has not yet occurred. An applicant must wait at least 90 days from the date on which [he or she] the applicant took the examination before re-taking the examination.

(e) An applicant desiring to take an examination other than the ASWB Clinical level examination shall submit to the Board an Exam Request Form, which is available on the Board's website at <https://www.ncswboard.org>, that shall contain the following:

- (1) the applicant's name and address;
- (2) the applicant's social security number; and

- 1 (3) the type of examination for which the applicant is approved to sit.
- 2 (f) An applicant desiring to take the ASWB Clinical level examination shall submit to the Board a Clinical Exam
- 3 Request Form, which is available on the Board's website at <https://www.ncswboard.org>, only after completing two
- 4 years of clinical practice. The Clinical Exam Request Form shall contain the following:
- 5 (1) the name and license number of the applicant;
- 6 (2) the contact information, date of birth, and signature of the applicant;
- 7 (3) the name, license number, and signature of the applicant's clinical supervisor; and
- 8 (4) the attestation of the applicant's clinical supervisor that the applicant has completed two years of
- 9 clinical practice and is qualified to take the ASWB Clinical level examination.

10

11 *History Note: Authority G.S. 90B-6; 90B-6.2;*

12 *Eff. August 1, 1987;*

13 *Temporary Amendment Eff. October 1, 1999;*

14 *Amended Eff. July 1, 2000;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*

16 *19, ~~2015~~, 2015;*

17 *Amended Eff. October 1, 2021.*

21 NCAC 63 .0210 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0210 ASSOCIATE LICENSES

(a) ~~The Board shall issue an associate license to any person who meets the requirements in G.S. 90B-7(f). Applicants for licensure as a LCSWA shall provide an application to the Board, as set forth in 21 NCAC 63 .0202(b), and shall comply with the requirements of this Rule.~~

~~(b) Applications and forms shall be obtained from and returned to the Board Office. The application fee set in Rule .0208 of this Chapter shall be submitted with the application.~~

~~(c)~~ (b) Prior to practicing clinical social work, ~~applicants~~ associates must demonstrate in writing through an emergency crisis plan that, in the event of a clinical emergency, they have immediate access to ~~a~~ at least one licensed mental health professional who has agreed to provide to them emergency clinical consultation to assure that ~~standards of compliance with the North Carolina statutes and rules governing clinical social work practice are maintained. For purposes of this Rule, "immediate" shall mean within one hour. Each licensed clinical social worker associate shall notify the Board in writing of any change in such access. The emergency crisis plan shall be submitted on a form prescribed by the Board that is available on the Board's website. The emergency crisis plan outline must be submitted for each location~~ [at which] where the associate practices and shall provide the following:

- (1) the name, address, and contact information for the LCSWA practice;
- (2) a description of the practice setting that provides whether the practice is in a home, an office setting, and whether the LCSWA practices with other practitioners;
- (3) a hierarchy of initial contact persons, if more than one contact person is identified; where each person is located; and his or her estimated response time;
- (4) a plan for follow-up consultations with the LCSWA's clinical supervisor if an alternate emergency contact was consulted at the time of need; and
- (5) signatures and license numbers of the LCSWA, the LCSW supervisor, and the emergency consultant back-up provider.

Each licensed clinical social worker associate shall notify the Board in writing within seven days of any change in such access by resubmission of an emergency crisis plan outline form.

(c) Prior to practicing clinical social work, associates shall provide to the Board an Employment Verification for LCSWA form that contains the following:

- (1) the associate's name, address, contact information, license number, and license issuance and expiration dates;
- (2) the name and address of the agency for which the associate intends to work;
- (3) the associate's current position title and a copy of the job description;
- (4) whether the associate is authorized by the employer to provide clinical services;
- (5) the name of the associate's LCSW clinical supervisor and whether the supervisor is located on-site or off-site;
- (6) whether the associate is being paid a fee or salary;

1 (7) dates during which the associate is working full-time, part-time, or as needed; and

2 (8) the name and signature of the person completing the form on behalf of the employer.

3 (d) Each associate licensee must be supervised as set forth in G.S. 90B-7(f) and receive on-going appropriate
4 supervision as defined in Rule .0211(a)(2) of this Chapter until the ~~associate licensee is licensed as a qualifying~~
5 examination has been passed and the Licensed Clinical Social Worker. Worker license is issued.

6 (e) All associate licensees shall submit reports of their clinical social work experience and supervision on a form
7 prescribed by the Board and made available on the Board's website ~~the appropriate Board form(s)~~ every six months
8 for review and evaluation by the Board. This six-month review form shall contain the following:

9 (1) the associate's name, LCSWA license number, and contact information for the associate;

10 (2) the associate's place of employment and an employment verification form, as prescribed in 21
11 NCAC 63 .0202(f), if not previously provided to the Board;

12 (3) the associate's signature and date submitted;

13 (4) an acknowledgment from the associate's LCSW supervisor as to whether:

14 (A) a position statement on clinical supervision, available on the Board's website at
15 <https://www.ncswboard.org>, has been signed and submitted to the Board;

16 (B) an emergency crisis plan, as set forth in Paragraph (b) of this Rule, has been submitted to
17 the Board;

18 (C) a supervisory log has been maintained and is available upon request to verify documented
19 supervision; and

20 (D) a case narrative summarizing one case treated during this review period has been prepared,
21 reviewed, and is on file and available for Board review, if needed;

22 (5) a rating of the associate by the associate's LCSW supervisor in all the following categories:

23 (A) ethical standards of social work practice;

24 (B) effective use of supervision;

25 (C) competence in social work practice;

26 (D) professional growth and development;

27 (E) consistency of performance effort;

28 (F) knowledge of social work principles and practices;

29 (G) ability to formulate a treatment plan appropriate to the clients' needs;

30 (H) ability to implement interventions consistent with the treatment plan;

31 (I) supervisee's ability to assess his or her own capacities and skills;

32 (J) ability to correctly diagnose mental and emotional [disorders; disorders in accordance with
33 professional judgment and training; and

34 (K) ability to plan treatment and carry out clinical interventions related to mental and emotional
35 [disorders; disorders;

36 (6) a narrative summary regarding the associate's growth as a clinical practitioner and participation in
37 clinical supervision;

- 1 (7) the period during which the associate received supervision from the LCSW supervisor;
2 (8) the number of in-person hours of individual supervision that the associate received;
3 (9) the number of in-person hours of group supervision that the associate received;
4 (10) the number of hours provided through technology that the associate received in a group setting;
5 (11) the number of hours provided through technology that the associate received in an individual setting;
6 (12) the number of clinical practice hours that the associate attained during the review period; and
7 (13) the name, phone number, signature, and license number with expiration date of the associate's
8 LCSW supervisor.

9 (f) To prevent a lapse in licensure, associate licensees who desire to become Licensed Clinical Social Workers shall
10 renew the LCSWA or complete the application process for the Licensed Clinical Social Worker classification and
11 submit the application fee as set in Rule .0208 of this Chapter ~~early enough to allow~~ at least 30 days ~~for administrative~~
12 ~~processing and Board action~~ prior to the expiration of the ~~associate~~ associate's license.

13
14 *History Note: Authority G.S. 90B-6; 90B-7;*

15 *Eff. August 1, 1993;*

16 *Temporary Amendment Eff. October 1, 1999;*

17 *Amended Eff. October 1, 2012; August 1, 2012; September 1, 2005; April 1, 2001;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
19 *19, ~~2015~~; 2015;*

20 *Amended Eff. October 1, 2021.*

21 NCAC 63 .0214 is amended as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0214 CERTIFICATION AND LICENSURE FOR MILITARY PERSONNEL AND MILITARY SPOUSES

(a) Upon receipt of a request for certification or licensure pursuant to G.S. 93B-15.1 from an applicant with military training and experience, the Board shall issue a certificate or license upon ~~the applicant's satisfying the following conditions:~~ submission of the following to the Board:

- (1) ~~Has completed and submits to the Board, an application containing the information as described in Rules .0202, .0203, and .0204 of this Section; 21 NCAC 63 .0202(b)(1) – (3), (6) – (12), and (16);~~
- (2) ~~Has provided to the Board~~ written documentation to satisfy conditions set out in G.S. ~~93B-15.1(a) and (e); and 93B-15.1(a); or~~
- (3) ~~Has passed the qualifying examination for the level of certification or licensure for which the applicant is applying;~~ written documentation to satisfy conditions set out in G.S. 93B-15.1(a2).

(b) Upon receipt of a request for certification or licensure pursuant to G.S. 93B-15.1 from a military spouse, the Board shall issue a certificate or license upon ~~the applicant's satisfying the following conditions:~~ submission of the following to the Board:

- (1) ~~Has completed and submits to the Board, application information as described in Rules .0202, .0203, and .0204 of this Section; 21 NCAC 63 .0202(b)(1) – (16); and~~
- (2) ~~Has provided~~ written documentation to satisfy conditions set out in G.S. ~~93B-15.1(b) and (e); and 93B-15.1(b).~~
- (3) ~~Has passed the qualifying examination for the level of certification or licensure for which the applicant is applying;~~

(c) Military trained applicants and military spouse applicants may apply for a temporary ~~license as described in Rule .0213 of this Section.~~ license by submitting to the Board an application containing the information set forth in 21 NCAC 63 .0213(b)(1) – (12). Military spouse applicants seeking temporary licensure also must comply with 21 NCAC 63 .0213(c). A temporary license shall apply only to clinical ~~licensure and requires the following:~~ licensure.

- (1) ~~Submission of an application and official written verification of equivalent licensure, certification, or registration in good standing from the jurisdiction under which the applicant is currently licensed, certified, or registered;~~
- (2) ~~Payment of the applicable fee;~~
- (3) ~~Prior to the expiration of the temporary license, the applicant shall fulfill all requirements for documentation of education, experience, training, and examination, and pay any additional application fee as described in Rule .0202 of this Section. Upon receipt of all required documentation and applicable fees, the Board shall issue the appropriate clinical license for a period not to exceed two years.~~

History Note: Authority G.S. 90B-6(h); 93B-15.1;

- 1 *Eff. February 1, ~~2017~~, 2017;*
- 2 *Amended Eff. October 1, 2021.*

21 NCAC 63 .0401 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

SECTION .0400 - RENEWAL OF CERTIFICATION

21 NCAC 63 .0401 CONTINUING EDUCATION REQUIREMENTS

(a) Continuing education for certification or licensure renewal shall be required to maintain professional knowledge and technical competency. ~~Renewal of certification or licensure shall require 40 contact hours of continuing education credits approved by the Board within each two-year renewal cycle. Social workers shall obtain 40 contact hours of Board-approved continuing education credits in accordance with this Rule within each two-year renewal cycle. For purposes of this Rule, a "contact hour" is defined as time spent actually receiving education, excluding breaks. If a certification or licensure is for less than a full two-year period, then social workers shall obtain 30 contact hours of Board-approved continuing education credits in accordance with this Rule. then 30 contact hours of continuing education credits shall be required.~~ Continuing education credits shall be awarded as follows:

- (1) ~~Continuing continuing~~ education units awarded that do not reflect contact hours or clock hours of instruction shall be awarded at the rate of one contact hour of credit for each continuing education unit;
- (2) ~~One one~~ academic course hour of credit shall be equal to 15 contact hours; and
- (3) ~~Credit credit~~ for auditing an academic course shall be for clock hours of instruction attended with one clock hour equal to one contact hour of credit.

(b) During each renewal ~~period~~ period, all certified and licensed social workers shall engage in a minimum of four contact hours of continuing education focused on ethics related to social work practice and ethical decision-making.

(c) The following activities shall be approved for continuing education:

- (1) ~~Academic academic~~ social work courses taken for credit or audit;
- (2) ~~Agency-based~~ agency-based staff development, seminars, institutes, workshops, mini courses mini-courses or conferences oriented to social work practice, values, skills skills, and knowledge;
- (3) ~~Cross-disciplinary~~ cross-disciplinary offerings from medicine, law law, and the behavioral/social sciences or other disciplines, if such offerings are related to social work practice, values, skills skills, and knowledge;
- (4) ~~Distance~~ distance learning activities activities, including online courses and home study courses that have been pre-approved by the Association of Social Work Boards (ASWB) or ~~the North Carolina Chapter of the National Association of Social Workers (NASW-NC).~~ (NASW) and its associated state chapters. ~~A list of approved distance learning courses and providers are available online at www.aswb.org and www.naswnc.org.~~ The maximum continuing education credit granted for distance learning activities is ~~one-half~~ one-half of the required hours, up to a maximum of 20 contact hours per renewal period. ~~Live-synchronous~~ Synchronous audio-video broadcasts allowing for real time interaction between the instructor and participants ~~attending through electronic means~~ shall not be considered distance learning ~~activities;~~ activities but as a face-to-face offering; and

- 1 (5) ~~A~~ a group of professionals within the health and human services or related fields organized to come
2 together to study a particular topic focusing on social work ~~practice~~ practice, provided the following
3 can be documented:
- 4 (A) study ~~topic~~; topics;
5 (B) study ~~material~~; materials;
6 (C) ~~facilitator~~; facilitator(s); and
7 (D) ~~date~~ date(s) and hours of attendance.
- 8 (d) Continuing education focusing on practitioner self-care and well-being shall not exceed six contact hours of credit
9 during a single renewal cycle.
- 10 (e) Up to five contact hours of credit shall be granted per renewal cycle for presenting a training focused on social
11 work practice provided that:
- 12 (1) ~~The~~ the Board receives confirmation from the organization for which the licensee presented that
13 identifies the licensee as the presenter, confirms the title and date of the presentation, the length of
14 the presentation, and number of attendees; and
15 (2) the dates of the presentation occur within the renewal ~~cycle~~; cycle.
- 16 (f) Credit shall not be granted for:
- 17 (1) identical programs completed within the same renewal period;
18 (2) job orientation or training directed at procedural mandates such as health and safety practices, new
19 hire training, and compliance training; or
20 (3) supervision and case consultation.
- 21
- 22 *History Note: Authority G.S. 90B-6; 90B-9;*
23 *Eff. August 1, 1987;*
24 *Amended Eff. September 1, 1993;*
25 *Temporary Amendment Eff. October 1, 1999;*
26 *Amended Eff. January 1, 2009; September 1, 2005; April 1, 2001;*
27 *Readopted Eff. February 1, ~~2017~~. 2017;*
28 *Amended Eff. October 1, 2021.*

21 NCAC 63 .0403 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0403 RENEWAL APPLICATION AND FEES

(a) To renew a certificate or license, a person must submit the following to the Board on or before the expiration of his or her certification or licensure:

- (1) all fees as required in Paragraphs (b) and (c) of this Rule; and
- (2) a Renewal Affidavit, as described in Paragraph (d) of this Rule.

~~(a)~~(b) Fees for renewal of certificates or licenses are as follows:

- ~~For~~ for Certified Social Workers ~~(CSW's)~~, (CSWs), the renewal fee is seventy dollars (\$70.00).
- ~~For~~ for Certified Master Social Workers ~~(CMSW's)~~, (CMSWs), the renewal fee is ninety dollars ~~(\$90.00)~~ (\$90.00).
- ~~For~~ for Licensed Clinical Social Workers ~~(LCSW's)~~, (LCSWs), the renewal fee is one hundred and fifty dollars (\$150.00).
- ~~For~~ for Licensed Clinical Social Worker Associates ~~(LCSWA's)~~, (LCSWAs), the renewal fee is one hundred and forty dollars (\$140.00).
- ~~For~~ for Certified Social Work Managers ~~(CSWM's)~~, (CSWMs), the renewal fee ~~shall be~~ is one hundred and fifty dollars (\$150.00).

~~(b)~~(c) Persons whose applications for renewal are received by the Board after the renewal date of their certificate or license, but no later than 60 days after the renewal date, shall pay a late renewal fee of fifty dollars (\$50.00) in addition to any other applicable fees. Renewal fees are nonrefundable.

(d) A Renewal Affidavit shall contain the following:

- (1) the person's printed name, signature, and date;
- (2) the person's contact information;
- (3) the last four digits of the person's social security number and license number;
- (4) whether the person's contact information has changed since the previous renewal;
- (5) whether the person is requesting a duplicate license;
- (6) a list of all continuing education hours taken since the last renewal application that provides the name of the course taken, the date on which the course was taken, the length of the course taken, and whether the course taken was distance learning or for ethics;
- (7) the person's affirmation or certification that:
 - (A) he or she has engaged in at least 40 hours of continuing education activities, as described in 21 NCAC 63 .0401, in the preceding 24 months or in at least 30 hours of continuing education activities if the renewal term is less than 2 years;
 - (B) he or she has engaged in at least four hours of continuing education focused on ethics related to social work practice and ethical decision making in the preceding certificate or license cycle;

- (C) his or her ability to perform his or her professional responsibilities is not impaired in any way or by the use of alcohol, prescription or non-prescription drugs, or other controlled substances;
- (D) he or she has not been convicted of a misdemeanor or felony crime since his or her last renewal or, if he or she has, an explanation of the conviction is ~~provided;~~ provided, and that the person consents to a criminal background check by the Board;
- (E) he or she has reviewed and agree to comply with the Social Work Certification and Licensure Act and Title 21, Chapter 63 of the North Carolina Administrative Code;
- (F) he or she has not violated Section .0500 of Title 21, Chapter 63 of the North Carolina Administrative Code;
- (G) he or she understands that renewal of his or her certification or license is subject to a Continuing Education audit and he or she agree to comply with an audit request from the Board;
- (H) the information in the Renewal Affidavit is accurate, that the Board may verify and investigate such information, and that any material omission or misrepresentation is grounds for the Board's refusal to renew a license or certification; and
- (I) he or she has read and understands the public notice statement on employee misclassification that is set forth in the Renewal Affidavit and has disclosed any investigations for employee misclassification, and its results, over the preceding 12-month period, as prescribed by G.S 143-789.

History Note: Authority G.S. 90B-6; 90B-6.2; 90B-9(b); 90B-11;
Eff. August 1, 1987;
Amended Eff. August 1, 1990;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. January 1, 2014; August 1, 2012; January 1, 2009; March 1, 2006; July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015; 2015;
Amended Eff. October 1, 2021.

21 NCAC 63 .0404 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0404 REINSTATEMENT

(a) ~~Persons who apply for reinstatement after temporary retirement from the practice of social work pursuant to G.S. 90B-9(d), or after their certificate or license was suspended for failure to renew, renew shall pay a reinstatement fee of one hundred and twenty five dollars (\$125.00) in addition to any other applicable fees. submit the following to the~~
Board:

- (1) a reinstatement fee of one hundred and fifty-five dollars (\$155.00) in addition to any renewal fee or late renewal fee owed pursuant to G.S. 90B-6.2;
- (2) a Renewal Affidavit, as described in 21 NCAC 63 .0403(d);
- (3) a current application for certification or licensure, as described in 21 NCAC 63 .0202; and
- (4) three professional reference forms, as described in 21 NCAC 63 .0204.

(b) Persons who apply for reinstatement after temporary retirement from the practice of social work pursuant to G.S. 90B-9.1 shall submit the following to the Board:

- (1) a renewal fee pursuant to G.S. 90B-6.2; and
- (2) a Renewal Affidavit, as described in 21 NCAC 63 .0403(d).

(c) Applicants desiring to reinstate LCSWA shall comply with G.S. 90B-7(f) by completing all requirements for full licensure as LCSW within six years, inclusive of any time spent on nonpracticing status pursuant to G.S. ~~90-B-9.1~~ 90B-9.1 or suspension for failure to renew.

History Note: Authority G.S. 90B-6; 90B-6.2; 90B-9; 90B-9.1;

Temporary Adoption Eff. October 1, 1999;

Eff. July 1, 2000;

Amendment Eff. August 1, 2012;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, ~~2015~~, 2015;

Amended Eff. October 1, 2021.

21 NCAC 63 .0405 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

**21 NCAC 63 .0405 REQUIRED REPORTING BY LICENSEE OR CERTIFICATE HOLDER OF
CHANGES TO BOARD**

(a) Each licensee or certificate holder shall notify the Board in writing of any of the following changes within 30 days of the effective date of the ~~changes~~: change:

- (1) ~~Change change~~ of the licensee's or certificate holder's name, which shall be accompanied by documentation such as a certified marriage certificate or driver's license;
- (2) ~~Change change~~ in the licensee's or certificate holder's residence or business address, including street and mailing address;
- (3) ~~Change change~~ in the licensee's or certificate holder's residence or business telephone number; and
- (4) ~~Any any~~ adverse action or disciplinary action against a licensee or certificate holder from a licensing board, professional certifying body, or professional organization for any conduct described in G.S. 90B-11(a).

(b) Within 30 days of the effective date of a disposition in a criminal matter in which the licensee or certificate holder is a defendant, including driving under the influence, each licensee or certificate holder shall send to the Board a certified copy of any plea of guilty, finding of guilty, plea of nolo contendere, or deferred judgment.

(c) The licensee's or certificate holder's failure to report to the Board the dispositions addressed by Subparagraph (a)(4) ~~and or~~ Paragraph (b) of this Rule ~~to the Board~~ shall be considered a violation of the Ethical Guidelines, Guidelines as set forth in Section ~~.0500~~. .0500 of [these Rules], this Chapter.

History Note: Authority G.S. 90B-6; § 90B-11;

Eff. September 1, 2005;

Amended Eff. January 1, 2014;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, ~~2015~~, 2015;

Amended Eff. October 1, 2021.

521 NCAC 63 .0406 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

**21 NCAC 63 .0406 MILITARY WAIVER OR EXTENSION OF TIME FOR RENEWAL OF
CERTIFICATION OR LICENSURE**

~~(a) If a social worker is currently certified or licensed in good standing by this Board and is serving in the armed forces of the United States and who has been granted an extension of time to file a tax return under G.S. 105-249.2, the Board shall grant a waiver or the same extension of time to fulfill the requirements for renewal of his or her certification or licensure.~~

~~(b)(a) Prior to the expiration of his or her license or certificate,~~ To request an extension of time to pay a license renewal fee pursuant to G.S. 93B-15, the licensee or certificate holder shall submit a written request for extension to the Board to include with a copy of the social worker's military orders and the extension approval granted by the Internal Revenue Service or the State Department of ~~Revenue.~~ Revenue to file a tax return prior to the expiration of the license or certificate.

~~(c) During the extended time period, the existing license or certification shall not expire until a decision on the renewal application is made by the Board. If the application is denied or the terms of the license or certification are limited, the existing license or certification shall not expire until the last day for applying for judicial review of the Board order.~~

~~(d)(b)~~ Licensees and certificate holders that have qualified for military waiver or extension are not required to take continuing education courses during any period of extension granted by the Board under this Rule. If the licensee or certificate holder chooses to take continuing education courses during a Board-approved period of extension, any continuing Continuing education credits approved during the extended time period shall not be utilized for future renewal periods.

History Note: Authority G.S. 90B-6; 90B-6.2; 93B-15;

Eff. July 1, 2011;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015; 2015;

Amended Eff. October 1, 2021.

21 NCAC 63 .0503 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0503 GENERAL PROFESSIONAL RESPONSIBILITIES

(a) Social workers shall engage in practice only within their sphere of competence. in accordance with their training and experience. They shall ~~accurately~~ represent to clients, colleagues, and the general public their abilities, education, training, credentials, and experience. They shall engage in continuing professional education prior to maintain and enhance their competence. engaging in a new area of practice.

(b) ~~As employees of institutions or agencies, social workers are responsible for remaining alert to and attempting to moderate institutional pressures or policies that conflict with the standards of their profession. If such conflict arises, social workers' responsibility shall be to uphold the ethical standards of their profession. In the event that the employment policies or practices of social workers' employers are contrary to the Ethical Guidelines set forth in Section .0500 of this Chapter, social workers shall comply with the Ethical Guidelines.~~

(c) Social workers shall not ~~practice, practice or facilitate or collaborate with~~ any form of discrimination on the basis of race, sex, sexual orientation, gender, age, religion, socioeconomic status, medical diagnoses, or national ~~origin.~~ origin while practicing social work or while holding themselves out as social workers to the public.

(d) Social workers shall practice their profession in compliance with ~~legal standards. federal, [state,] State, or local laws impacting the practice of social work.~~

(e) Social workers shall not engage in settlement agreements that preclude reporting of ethical misconduct to the Board.

History Note: Authority G.S. 90B-6; 90B-11;

Eff. March 1, 1994;

Temporary Amendment Eff. October 1, 1999;

Amended Eff. April 1, 2001;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015; 2015;

Amended Eff. October 1, 2021.

21 NCAC 63 .0504 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0504 RESPONSIBILITIES IN PROFESSIONAL RELATIONSHIPS

(a) Social workers shall not misuse their professional relationships sexually, ~~financially~~ financially, or for any other personal advantage. They shall maintain this standard of conduct toward all who are professionally associated with them such as clients, colleagues, supervisees, employees, ~~students~~ students, and research participants.

(b) Social workers shall inform clients of the extent and nature of services available to them as well as the limits, rights, ~~opportunities~~ opportunities, and obligations associated with service ~~which~~ that might affect the client's decision to enter into or continue the relationship.

(c) Social workers shall obtain consent (~~agreement~~ to participate in social work ~~intervention~~) intervention from all clients or their legally authorized representative except when ~~laws~~ judicial orders require intervention to ~~insure~~ ensure the client's and community's safety and protection.

(d) Social workers shall terminate a professional relationship with a client ~~when, after careful evaluation and assessment,~~ when it is determined by the social worker, the client, or any entity with legal authority over client's care that the client is not likely to benefit from continued services or the services are no longer needed. The social worker who anticipates the termination or interruption of services shall give ~~reasonable~~ prior notice to the ~~client.~~ client as soon as possible. The social worker shall provide referrals as needed or upon the request of the client. A social worker shall not terminate a professional relationship for the purpose of beginning a personal or business relationship with a client.

(e) Social workers shall respect the integrity, protect the welfare, and maximize self-determination of clients they ~~serve.~~ serve, in accordance with the level and type of care that a competent social worker would provide under the circumstances. They shall avoid entering treatment relationships in which their professional judgment will be compromised by the prior association with or knowledge of a client. Examples include treatment of one's family ~~members; close friends; associates; employees;~~ members, friends, associates, employees, or others whose welfare could be jeopardized by such a dual relationship.

(f) Social workers shall not initiate, and shall avoid when possible, personal relationships or dual roles with current clients, or with any former clients whose feelings toward ~~them~~ the social worker may ~~still~~ be derived from or influenced by the former professional relationship. When a social worker may not avoid a personal relationship with a ~~client,~~ client or former client, the social worker shall take appropriate precautions, such as documented discussion with the client or former client about the relationship, ~~consultation~~ consultation, or supervision to ensure that the social worker's objectivity and professional judgment are not impaired. In instances when dual or multiple relationships are unavoidable, social workers shall set clear and culturally sensitive boundaries. boundaries that take into consideration the client's age, race, sex, gender, sexual orientation, religion, socioeconomic status, national origin, and medical diagnoses.

(g) Social workers shall not engage in sexual activities with clients or former clients. A social worker shall not engage in or request electronic, verbal, or physical sexual contact with a client or former client under any circumstances. For the purposes of this rule Rule, "sexual contact" means behavior relating to sexual activities including intentional

1 touching, either directly or through the ~~clothing that may be exploitive, abusive, or detrimental to the clients' welfare.~~
2 clothing.

3 (h) Social workers shall ~~be solely responsible for acting~~ act in accordance with G.S. 90B and these Rules in regard to
4 relationships with clients or former clients. A client's or former client's initiation of a personal, ~~sexual~~ sexual, or
5 business relationship shall not be a defense by the social worker for failing to act in accordance with G.S. 90B and
6 these Rules.

7
8 *History Note: Authority G.S. 90B-6; 90B-11;*

9 *Eff. March 1, 1994;*

10 *Amended Eff. April 1, 2001;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
12 *19, ~~2015~~, 2015;*

13 *Amended Eff. October 1, 2021.*

21 NCAC 63 .0509 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0509 PUBLIC STATEMENTS

(a) ~~Public statements, announcements of services and promotional activities of social workers serve the purpose of providing sufficient information to aid consumers in making informed judgments and choices, choices.~~ Social workers shall state ~~accurately, objectively, and~~ without misrepresentation their professional qualifications, ~~affiliations~~ affiliations, and ~~functions~~ functions, as well as those of the institutions or organizations with which they or their statement may be associated. ~~They shall correct~~ When social workers are made aware of misrepresentations by others with respect to these ~~matters~~ matters, social workers shall make efforts to correct the misrepresentations.

(b) In announcing availability for professional services, a social worker shall use ~~his or her~~ the licensee or certificate holder's name, ~~type~~ type, and level(s) of certification and licensure; and may use highest relevant academic degree related to the field of social work from an accredited institution; specialized post-graduate training; address and telephone number; office hours; type of services provided; appropriate accurate fee information; foreign languages spoken; and policy with regard to third-party payments.

(c) Social workers shall not offer to perform any service beyond the scope permitted by law or beyond the scope of their competence. They shall not engage in any form of advertising which that is false, fraudulent, deceptive, or misleading. They shall neither solicit nor use recommendations or testimonials from clients.

(d) Social workers shall respect the rights and reputations of professional organizations with which they are affiliated. They shall not falsely imply sponsorship or certification by such organizations. When making public statements, the social worker shall make clear which are distinguish personal opinions and which are from authorized statements on behalf of an organization.

(e) ~~A social worker~~ Social workers shall display ~~his or her~~ their license or certificate at the social worker's primary place of practice as required by G.S. 90B-15.

History Note: Authority G.S. 90B-6; 90B-11; 90B-15;

Eff. March 1, 1994;

Temporary Amendment Eff. October 1, 1999;

Amended Eff. January 1, 2009; July 1, 2000;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, ~~2015~~ 2015;

Amended Eff. October 1, 2021.

21 NCAC 63 .0601 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

SECTION .0600 - DISCIPLINARY PROCEDURES

21 NCAC 63 .0601 GROUND FOR DISCIPLINARY PROCEDURES

~~In addition to the conduct set forth in G.S. 90B-11, the Board may take disciplinary action upon the following grounds:~~

The following conduct constitutes a violation of G.S. 90B-11:

- (1) offering a check to the Board in payment of required fees ~~which~~ that is returned ~~unpaid~~; unpaid as a result of non-payment attributable to the payor;
- (2) obtaining or attempting to obtain compensation by fraud or deceit;
- (3) submitting false documents to the Board, such as those related to continuing education audits or submitted as a part of the application or renewal process; and
- ~~(3)(4) violation of~~ violating any order of the Board.

History Note: Authority G.S. 90B-2; 90B-6; 90B-11;

Eff. August 1, 1987;

Temporary Amendment Eff. October 1, 1999;

Amended Eff. April 1, 2001;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015; 2015;

Amended Eff. October 1, 2021.

21 NCAC 63 .0602 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0602 INVESTIGATION

(a) Any person who has reason to believe that a social worker has violated the laws governing the practice of social work may file a complaint with the Board. Anyone wishing to file a complaint shall file a form with the Board office that contains the following information:

- (1) the complainant's name and contact information;
- (2) the name, contact information, and license number of the social worker about ~~[which]~~ whom the complainant wishes to file the complaint;
- (3) a narrative of the facts about which the complaint relies;
- (4) identification of the statutes or rules that were allegedly ~~[violated;]~~ violated, if known;
- (5) identification of the individuals and their contact information who may have information to support the complaint;
- (6) identification of any documents that may support the complaint; and
- (7) the complainant's affirmation that:
 - (A) the complainant has read and understands the ethics standards and disciplinary procedures of the Board, which are available on the Board's website at <https://www.ncswboard.org>;
 - (B) the information provided by the complainant is true, based on the complainant's personal knowledge, or based upon information that the complainant believes to be true; and
 - (C) the complainant is aware that the social worker about ~~[which]~~ whom the complaint is filed shall be made aware of the complaint and when the complaint may be disclosed as a public record; and
- (8) the complainant's signature and the date ~~[on which]~~ when the complaint is made.

~~(a)(b)~~ Upon receipt of a complaint, the Board shall notify the social worker against whom the complaint was filed, noting the report of a violation and the specific ~~ethical standard~~ ~~[rule, statute, or ethical guideline]~~ rule or statute brought into question.

~~(b)(c)~~ Upon receipt of a complaint, ~~or upon its own motion~~, the Board, its staff, or designee(s) ~~may investigate~~ shall determine whether more information or evidence is needed to show whether a person certified or licensed by the Board has violated any provision of G.S. 90B or ~~these Rules.~~ the rules of this Chapter. If more information or evidence is deemed necessary, the Board, its staff, or designee(s) shall conduct an investigation.

~~(c)(d)~~ The complainant and social worker against whom a complaint was filed shall be notified in writing of the Board's decision as to whether an investigation is warranted.

(e) The Board may initiate its own complaint and conduct an investigation of a suspected violation if the Board obtains information tending to show that a violation of G.S. ~~[90]~~ 90B or ~~[these Rules]~~ the rules of this Chapter has occurred.

~~(d)(f)~~ Any Board member who conducts the investigation of a specific case shall not participate in the Board's adjudication of that case.

1 *History Note:* *Authority G.S. 90B-6; 90B-11;*
2 *Eff. September 1, 1989;*
3 *Temporary Amendment Eff. October 1, 1999;*
4 *Amended Eff. July 1, 2000;*
5 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
6 *19, ~~2015~~, 2015;*
7 *Amended Eff. October 1, 2021.*

21 NCAC 63 .0603 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0603 NOTICE OF CHARGES AND HEARING

(a) If an investigation conducted in accordance with Rule .0602 of this Section produces any credible evidence indicating tending to show a violation of G.S. 90B or these ~~Rules~~ Rules, the Board ~~may~~ shall initiate disciplinary proceedings. Disciplinary proceedings conducted by the Board are governed by ~~G.S. 90B~~, Article 3A of Chapter 150B of the NC General Statutes. Prior to any Board action, written notice outlining the particular statutes and rules involved, the alleged facts, and the date, location [location], and nature of any hearing containing the information required by G.S. 150B-38(b) shall be sent to the social worker involved and the ~~complainant~~, complainant, if the disciplinary proceeding was initiated by a complainant.

(b) ~~Nothing herein shall abridge the right of~~ in this Rule shall prevent the Board ~~to~~ from summarily ~~suspend~~ suspending a certificate or license ~~pursuant to G.S. 150B-3(e)~~, in accordance with G.S. 150B-3(c) if the Board determines that the public health, safety, or welfare requires emergency action.

History Note: Authority G.S. 90B-6; 90B-11; 150B-38;

Eff. September 1, 1989;

Temporary Amendment Eff. October 1, 1999;

Amended Eff. July 1, 2000;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015; 2015;

Amended Eff. October 1, 2021.

21 NCAC 63 .0607 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0607 CONDUCT OF HEARING

(a) ~~Disciplinary hearings shall be conducted by a majority of the Board.~~ The Chairperson shall serve as presiding officer unless ~~he or she~~ the Chairperson is absent or ~~disqualified~~, disqualified in accordance with Paragraph (b) of this Rule, in which case the Vice-chairperson shall preside. ~~Hearings shall be conducted as prescribed by G.S. 150B-40.~~

(b) ~~Disqualification.~~ An affidavit seeking disqualification of any Board member, if filed in good faith and in a timely manner, will be ruled on by the remaining members of the Board. An affidavit is considered timely if it is filed:

(1) ~~Prior~~ prior to the hearing; or

(2) ~~As~~ as soon after the commencement of the hearing as the affiant becomes aware of the facts ~~which~~ that give rise to ~~his~~ the belief that a Board member should be disqualified.

~~(c) Evidence. The admission of evidence in a hearing on a contested case shall be as prescribed in G.S. 150B-41.~~

History Note: Authority G.S. 90B-6(h); 150B-40;

Eff. September 1, 1989;

Temporary Amendment Eff. October 1, 1999;

Amended Eff. July 1, 2000;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015; 2015;

Amended Eff. October 1, 2021.

21 NCAC 63 .0608 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0608 DECISION OF BOARD

~~(a) The form and content of the Board's decision in a contested case shall be as prescribed by G.S. 150B-42(a), and its decision shall be served upon the parties in a manner consistent with said statute.~~

~~(b) The official record of the hearing in a contested case shall contain those items specified in G.S. 150B-42(b).~~

(a) ~~Immediately upon~~ Upon the conclusion of a disciplinary proceeding ~~conducted~~ noticed pursuant to 21 NCAC 63 .0603 and if so moved by two Board members, the Board shall deliberate on whether an applicant, certificate holder, or licensee involved has violated a statute or rule ~~for which~~ the Board has the authority to enforce, and what appropriate disciplinary action, if any, should be taken against the applicant, certificate holder, or licensee involved.

(b) If the Board reaches a decision on the issues set forth in Paragraph (a) of this Rule immediately upon the conclusion of the disciplinary proceeding, the Board shall announce the decision but shall provide the parties with an opportunity to submit proposed findings of fact and exceptions to the decision to the Board's office within fifteen ~~days~~ days. ~~unless~~ The Board may allow additional time ~~is allowed by the Board~~ for good cause shown or upon mutual agreement by the parties. For purposes of this Rule, "good cause" shall ~~mean~~ be determined by the length of the hearing, the complexity of the issues involved, and the availability of the parties.

(c) If the Board does not reach a decision on the issues set forth in Paragraph (a) of this Rule immediately upon the conclusion of the disciplinary proceeding, the Board shall provide the parties an opportunity to submit proposed findings of fact and conclusions of law to the Board's office within fifteen days, unless additional time is allowed by the Board for good cause shown or upon mutual agreement by the parties. The Board shall deliberate on the issues set forth in Paragraph (a) of this Rule at its next Board meeting following the parties' deadline to submit the proposed findings of fact and conclusions of law.

(d) Following the expiration of the time allowed for the parties to submit proposed findings and exceptions, the Board shall make a written final agency decision in accordance with G.S. 150B-42.

(e) Disciplinary costs shall be assessed against an applicant, certificate holder, or licensee in a written final agency decision as set forth in G.S. 90B-11 when:

- (1) the licensee previously has rejected a consent order offered by the Board to resolve the disciplinary matter;
- (2) the licensee previously has been disciplined by the Board pursuant to GS 90B-11, previously received a non-disciplinary letter of caution, or previously received a non-disciplinary Consent Order from the Board for the same conduct at issue in disciplinary proceeding;
- (3) the Board finds that the licensee's conduct or defense at hearing was dilatory or not asserted in good faith; or
- (4) the Board denies, suspends, or revokes an application, certificate, or license.

Disciplinary costs shall equal three hundred dollars (\$300.00) per hour for time spent by the Board conducting a hearing that results in disciplinary action and for time spent by the Board deliberating on a disciplinary proceeding,

1 with a minimum charge of three hundred dollars (\$300.00) for the first hour or portion thereof, and then prorated
2 thereafter for each half-hour

3
4 *History Note:* G.S. 90B-6(h); 90B-11; 150B-38; 150-42; S.L. 1999-313;

5 *Eff. September 1, 1989;*

6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
7 *19, ~~2015~~, 2015;*

8 *Amended Eff. October 1, 2021.*

21 NCAC 63 .0610 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0610 CONTINUANCES

~~(a)~~ All motions for continuance shall be addressed to the Chair.

~~(b)~~(a) Motions for a continuance of a hearing ~~may~~ shall be ~~granted~~ reviewed in accordance with the North Carolina Rules of Civil Procedure as set forth in G.S. ~~1A-1~~. 1A-1, Rule 40(b). The Board is not required to grant a motion to continue. All motions for continuance shall be addressed to the [Chair or] presiding officer.

~~(c)~~(b) In determining whether good cause ~~exists~~, exists as set forth in G.S. 1A-1, Rule 40, the ~~[Chair or]~~ presiding officer shall consider the ability of the party requesting a continuance to proceed without a continuance.

~~(d)~~(c) Motions for a continuance shall be in writing and shall be received in the office of the Board no less than seven calendar days before the hearing date.

~~(e)~~(d) A motion for a continuance ~~filed less [more] than seven calendar days from the date of the hearing~~ shall be denied if a continuance has been previously granted unless the reason for the motion could not have been ascertained earlier.

History Note: G.S. 90B-6(h); 150B-38(h);

Eff. February 1, 2017; 2017;

Amended Eff. October 1, 2021.

21 NCAC 63 .0704 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0704 DECLARATORY RULINGS

(a) General. ~~The issuance of declaratory rulings by the Board is governed by G.S. 150B-4. The Board shall respond to requests for declaratory rulings in accordance with G.S. 150B-4.~~

(b) Contents of a Request for Declaratory Ruling. A request for a declaratory ruling shall be in writing and addressed to the executive director of the Board. The request shall contain the following information:

(1) ~~The the~~ name and address of the person making the request;

(2) ~~The the~~ statute or rule statute, rule, or order to which the request relates;

(3) ~~A concise~~ a statement of the need for a declaratory ruling as set forth in G.S. 150B-4(a); and

(4) A a statement as to whether a hearing is desired, and if desired, the reason therefore.

(c) Refusal to Issue Ruling. The Board ~~may~~ shall refuse to issue a declaratory ruling under the following circumstances:

(1) ~~When when~~ the Board has already made a controlling decision on ~~substantially~~ similar facts in a contested case;

(2) ~~When when~~ the facts underlying the request for a ruling were ~~specifically~~ considered at the time of the adoption of the Rule in question; or

(3) ~~When when~~ the subject matter of the request is involved in any pending litigation in North Carolina.

History Note: Authority G.S. 90B-6(h); 150B-4;

Eff. September 1, 1989;

Temporary Amendment Eff. October 1, 1999;

Amended Eff. January 1, 2014; July 1, 2000;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015; 2015;

Amended Eff. October 1, 2021.

21 NCAC 63 .0705 is adopted with changes as published in 35:20 NCR 2251-2270 as follows:

21 NCAC 63 .0705 INSUFFICIENT FEES

(a) The Board shall charge the maximum processing fee allowed by G.S. 25-3-506 if a check submitted to the Board is returned by a financial institution because of insufficient funds or because the drawer did not have an account at that bank.

(b) Until such time as the drawer of the bad check has paid the prescribed fee, the drawer shall not be eligible to take an examination, obtain a license, or have the license renewed. For the purpose of this Rule, “prescribed fee” shall mean the sum of:

(1) the maximum processing fee allowed by G.S. 25-3-506;

(2) the renewal or application fee, whichever is applicable; and

(3) any late fee, as ~~described in G.S. 90B-6.2;~~ set forth in Rule .0403.

(c) Any license that has been issued or renewed based on a check ~~which~~ that is returned to the Board shall be invalid until such time as the drawer has paid the prescribed fee. The invalidity of the license or renewal shall commence on the date of the issuance of the license or renewal.

(d) Payment of the prescribed fee to the Board shall ~~be made in the form of a cashier’s check, money order, credit card, or debit card.~~ not be paid by personal check or cash.

*History Note: Authority G.S. ~~25-3-506~~; 90B-6(g); 90B-6.2(b);
 Eff. October 1, 2021.*