

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0202

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

***NOTE: This request when viewed on computer extends 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b)(2)(5), line 15, and (b)(15), lines 36 and 37, consider replacing "said" with "the"*

*In (d)(4)(F), Pages 2 and 3, why are you reciting this here, as you are already requiring this of all applicants in (b)(16)(D).*

*In (f), Page 3, line 24, please replace "in which" with "where"*

*In (f)(10), line 36, what is "pro re nata"? Does your regulated public know?*

*In the History Note, Page 4, line 5, you do not need to refer to G.S. 143-789, as this does not confer rulemaking authority. I think it is sufficient that the citation in the Rule text itself.*

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

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 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 institution directly to the Board or from the applicant to the Board in an envelope that is sealed by said institution;

1       (16)    the applicant's affirmation that:

2            (A)    the applicant has read the North Carolina General Statute 90B Social Work Certification  
3                    and Licensure Act, including the Board's rules, ethical guidelines, and disciplinary  
4                    procedures, which are available on the Board's website at <https://www.ncswboard.org>;

5            (B)    the information provided by the applicant in the application is true;

6            (C)    the applicant consents to a criminal history record check; and

7            (D)    the applicant has read and understands the public notice statement on employee  
8                    misclassification that is set forth in the application and has disclosed any investigations for  
9                    employee misclassification, and its results, over the preceding 12-month period, as  
10                  prescribed by G.S. 143-789; and

11       (17)    the application fee, as prescribed in 21 NCAC 63 .0208.

12   (c) In addition to the items set forth in Paragraph (b) of this Rule, applicants for certification as a certified social work  
13   manager shall provide a completed CSWM Administrative Supervision Form, as prescribed in Paragraph (e) of this  
14   Rule, and an Employment Verification Form, as prescribed in Paragraph (f) of this Rule, to demonstrate supervised  
15   administrative experience attained in the preceding six years.

16   (d) Applicants for licensure as a licensed clinical social worker who are licensed by the Board as licensed clinical  
17   social worker associates at the time of application shall provide to the Board the LCSW Short-Form Application,  
18   which contains the following:

19        (1)    the applicant's name, the number of ~~his or her~~ the applicant's licensed clinical social worker  
20                  associate license, and contact information;

21        (2)    the signature of the applicant and the applicant's LCSW supervisor;

22        (3)    whether the LCSW supervisor recommends that the applicant continue supervised clinical practice  
23                  at the LCSWA level or recommends the applicant for LCSW licensure;

24        (4)    the applicant's certification that:

25            (A)    the applicant has completed the requirements to obtain licensure in North Carolina as a  
26                    LCSW as set forth in G.S. 90B-7(d);

27            (B)    the applicant has read the North Carolina General Statute 90B Social Work Certification  
28                    and Licensure Act, and the Board's rules, ethical guidelines, and disciplinary procedures,  
29                    which are available on the Board's website at <https://www.ncswboard.org>, and agrees to  
30                    comply with them;

31            (C)    the information provided by the applicant in the application is true;

32            (D)    the applicant has not violated any of the Board's governing statutes or rules;

33            (E)    the applicant has not been convicted of a misdemeanor or felony crime since submitting  
34                    his or her initial application for associate licensure; and

35            (F)    the applicant has read and understands the public notice statement on employee  
36                    misclassification that is set forth in the application and has disclosed any investigations for

- 1                    employee misclassification, and its results, over the preceding 12-month period, as  
2                    prescribed by G.S. 143-789;
- 3            (5)    the application fee, as prescribed in 21 NCAC 63 .0208; and  
4            (6)    a list of all continuing education hours taken since the applicant was licensed as a LCSWA or since  
5                    renewal of LCSWA licensure that provides the name of the course taken, the date on which the  
6                    course was taken, the length of the course taken, and whether the course taken was distance learning  
7                    or for ethics.
- 8    (e) A CSWM Administrative Supervision Form shall contain the following:
- 9            (1)    the name of the applicant and his or her supervisor;  
10           (2)    the applicant's position;  
11           (3)    a description of the applicant's administrative duties and responsibilities for the employer;  
12           (4)    where the applicant worked during the time that supervision was provided to the applicant;  
13           (5)    dates during which the applicant was employed;  
14           (6)    total number of hours during which the applicant was employed;  
15           (7)    dates during which the supervisor provided administrative supervision;  
16           (8)    total number of hours during which the supervisor provided individual administrative supervision  
17                    to the applicant;  
18           (9)    total number of hours during which the supervisor provided group administrative supervision to the  
19                    applicant;  
20           (10)    total combined hours of individual and group hours provided to the applicant; and  
21           (11)    the supervisor's certification that the information set forth in the CSWM Administrative Supervision  
22                    Form is correct and that the supervisor is certified with the Board on at least one level and has a  
23                    minimum of two years of administrative experience in a social work or mental health setting.
- 24    (f) An Employment Verification Form shall be completed for each place of employment in which the applicant has  
25           worked over the preceding six years and shall contain the following:
- 26           (1)    the applicant's name and contact information;  
27           (2)    the applicant's license number, if a license is held;  
28           (3)    the name and contact information of the applicant's place of employment;  
29           (4)    the title of the applicant's position;  
30           (5)    whether the applicant is authorized to provide clinical services on behalf of the employer;  
31           (6)    the applicant's duties for the employer, as documented in a job description on the employer's  
32                    letterhead;  
33           (7)    the name and license number of the applicant's clinical supervisor;  
34           (8)    whether the applicant's supervisor provided supervision to the applicant in person or remotely;  
35           (9)    the date of the applicant's employment;  
36           (10)    whether the applicant was employed full-time, part-time, or pro re nata;  
37           (11)    whether the applicant is paid a fee or salary for services performed; and

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

5   *History Note: Authority G.S. 90B-6; 90B-7; 93B-8.1(c); 143-789;*  
6           *Eff. August 1, 1987;*  
7           *Temporary Amendment Eff. October 1, 1999;*  
8           *Amended Eff. July 1, 2000;*  
9           *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*  
10          *19, ~~2015~~, 2015;*  
11          *Amended Eff. October 1, 2021.*

21 NCAC 63 .0203 is amended as published in 35:20 NCR 2251-2270 as follows:

**21 NCAC 63 .0203        TRANSCRIPTS**

Applicants must have official transcripts sent from institutions where their highest social work degrees have been conferred. If transcript course titles ~~are ambiguous, or do not adequately convey the pertinent content of the courses,~~ the applicant shall provide clarifying documents may be requested. documentation from the institution.

*History Note:     Authority G.S. 90B-7; ~~S.L. 1999-313;~~*

*Eff. August 1, 1987;*

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

*Amended Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0204

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 9, consider replacing "oneself" with "himself or herself" Or just delete it altogether and state, "... the Board member shall recuse from review..."*

*In (e)(8), lines 28 and 29, will these be as defined by the person serving as a reference? And please note the same for (e)(12), Page 2, line 1 (regarding "poor, good, superior")*

*In (e)(12), line 2, what is "concern and empathy" here?*

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

21 NCAC 63 .0204 is amended 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](http://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, concern and empathy, record keeping, client relationships, written  
3       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 .0207 is adopted as published in 35:20 NCR 2251-2270 as follows:

**21 NCAC 63 .0207        SUBSTANTIAL EQUIVALENCY**

(a) In addition to the items set forth in 21 NCAC 63 .0202(b), applicants for certification as a certified social worker pursuant to G.S. 90B-8 shall provide verification of current certification, license, or registration in good standing to practice social work in another jurisdiction and certified proof of having passed the ASWB Bachelors Level Examination.

(b) In addition to the items set in 21 NCAC 63 .0202(b), applicants for certification as a certified master social worker pursuant to G.S. 90B-8 shall provide verification of current certification, license, or registration and certified proof of having passed the ASWB Masters Level Examination or ACSW exam.

(c) In addition to the items set forth in 21 NCAC 63 .0202(b), applicants for certification as a certified social work manager pursuant to G.S. 90B-8 shall provide:

(1) verification of current licensure in good standing to practice social work in another jurisdiction;

(2) a copy of the state or jurisdiction law determining the qualifications under which the applicant was certified in the other state or jurisdiction; and

(3) certified proof that the applicant has passed the ASWB Advanced Generalist Exam.

(d) In addition to the items set forth in 21 NCAC 63 .0202(b), applicants for licensure as a licensed clinical social worker pursuant to G.S. 90B-8 shall provide verification of a current and active license in good standing to practice social work in another jurisdiction and certified proof of having passed the ASWB Clinical Level Examination. If the applicant has not passed the ASWB Clinical Level Examination at the time of application, the applicant must provide a copy of the state/jurisdiction law determining the qualifications under which the applicant was licensed to practice social work in the other state or jurisdiction so that the Board can determine the applicant's eligibility to take the ASWB Clinical Examination.

(e) In addition to the items set forth in 21 NCAC 63 .0202(b), applicants for licensure as a licensed clinical social worker associate pursuant to G.S. 90B-8 shall provide:

(1) verification of current and active licensure in good standing to practice social work in another jurisdiction;

(2) an Employment Verification Form, as prescribed in 21 NCAC 63 .0202(f), that sets forth the total number of hours and dates of paid supervised post-MSW practice in a clinical setting from each employer for which the applicant has practiced clinical social work in the preceding six years, provided in a sealed envelope with the employer's signature on the envelope's sealed closure; and

(3) a Clinical Social Work Supervision Form, as described in Paragraph (f) of this Rule, from each person who previously has provided clinical supervision to the applicant during the four years preceding the application, provided in a sealed envelope with the signature of the applicant's clinical supervisor on the envelope's sealed closure.

(f) A Clinical Social Work Supervision Form shall be on a form prescribed by the Board, which is available on the Board's website at [ncswboard.org](http://ncswboard.org), and shall contain the following:

- (1) the name of the applicant and his or her clinical supervisor;
- (2) the applicant's position;
- (3) a description of the applicant's clinical social work duties and responsibilities with information about the population served by applicant, problems addressed, assessment, and treatment modalities used for treatment and diagnosis of mental and emotional disorders;
- (4) where the applicant worked;
- (5) dates during which the applicant was employed;
- (6) total number of hours during which the applicant was employed;
- (7) dates during which the clinical supervisor provided supervision to the applicant;
- (8) total number of hours during which the clinical supervisor provided individual supervision to the applicant;
- (9) total number of hours during which the clinical supervisor provided group supervision to the applicant;
- (10) total combined hours of individual and group supervision that clinical supervisor provided to the applicant; and
- (11) the clinical supervisor's certification that the information set forth in the Clinical Social Work Supervision Form is correct; that the clinical supervisor is certified, licensed, or registered as a clinical social worker with a graduate degree in social work from a program accredited by the Council on Social Work Education and has at least two years of clinical social work experience post-licensure.

*History Note: Authority G.S. 90B-6; 90B-7; 90B-8; ~~90B-10~~;*  
*Eff. August 1, 1987;*  
*Temporary Repeal Eff. October 1, 1999;*  
*Repealed Eff. July 1, ~~2000~~. 2000;*  
*Eff. October 1, 2021.*

21 NCAC 63 .0208 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

**21 NCAC 63 .0208 APPLICATION FEE**

Each applicant for certification or licensure by the Board shall submit an initial application fee of one hundred and ~~fifteen~~ forty-five dollars (~~\$115.00~~) (\$145.00) with the ~~application.~~ application, unless otherwise exempt under G.S. 93B-15.1. An applicant applying for multiple levels of certification or licensure within one application must submit an application fee of one hundred and forty-five dollars (\$145.00) per each level for which the applicant applies. Application fees shall not be paid [only by money order, certified bank check, or credit card.] by personal check or cash.

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

*Eff. August 1, 1987;*

*Temporary Amendment Eff. October 1, 1999;*

*Amended Eff. August 1, 2012; 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.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0209

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (c), line 23, as well as (d), line 24, should this cross-reference be to Rule .0306? Rule .0303 is the fee for re-taking an examination (which makes sense in Paragraph (d), line 30).*

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: August 31, 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 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, 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.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0210

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 16, consider replacing "at which" with "where"*

*In (e)(5)(J), I take it "correctly" will be understood by your regulated public and based upon professional judgement and training?*

*Please end (e)(5)(K), line 34, with a semicolon, rather than a period.*

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: August 31, 2021



21 NCAC 63 .0210 is amended 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 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; and

33           (K)       ability to plan treatment and carry out clinical interventions related to mental and emotional  
34 disorders.

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

37          (7)       the period during which the associate received supervision from the LCSW supervisor;

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

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

12  
13    History Note:     Authority G.S. 90B-6; 90B-7;

14                       Eff. August 1, 1993;

15                       Temporary Amendment Eff. October 1, 1999;

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

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

19                       Amended Eff. October 1, 2021.

21 NCAC 63 .0213 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

### **21 NCAC 63 .0213            TEMPORARY LICENSES**

~~The Board may issue a non renewable temporary reciprocal license pursuant to G.S. 90B-8(b), that is valid for no more than six months, upon receipt of a twenty five dollar (\$25.00) fee.~~

(a) Pursuant to G.S. 90B-8(b), any nonresident clinical social worker certified, registered, or licensed in another jurisdiction desiring to obtain a temporary 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>. A temporary license shall expire six months following the date of issuance and is not eligible for renewal. No individual shall hold more than one temporary license within a five-year period.

(b) An applicant pursuant to this Rule shall provide the following information on the application set forth in Paragraph

(a) of this Rule:

- (1) the applicant's name, contact information, signature, and date of signature;
- (2) the social security number of the applicant;
- (3) the requested designation of licensure type;
- (4) the applicant's place of employment, the name of the applicant's supervisor, and the license number of the applicant's supervisor, if the supervisor holds a license to practice clinical social work;
- (5) educational history and degree attainment;
- (6) whether the applicant has ever been certified, licensed, or registered to practice social work by the Board, by another occupational board or agency, 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;
- (7) whether the applicant ever has had a credential denied, limited, reprimanded, suspended, or revoked;
- (8) whether the applicant ever has been convicted of a felony or misdemeanor under any laws;
- (9) whether any criminal charges are pending against the applicant;
- (10) whether any court, board, agency, or professional organization has found the applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice;
- (11) 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;
- (12) the applicant's certification that:
  - (A) the applicant has read the North Carolina General Statute 90B Social Worker Certification and Licensure Act, and the Board's rules, ethical guidelines, and disciplinary procedures,

- 1                   which are available on the Board’s website at <https://www.ncswboard.org>, and agrees to  
2                   comply with them;
- 3           (B)   the information provided by the applicant in the application is true;  
4           (C)   the applicant consents to a criminal history record check;  
5           (D)   the applicant’s consent for the jurisdiction in which the applicant is licensed to release  
6                   information to the Board related to the applicant’s licensure status and practice of social  
7                   work;  
8           (E)   the applicant has read and understands the public notice statement on employee  
9                   misclassification that is set forth in the application and has disclosed any investigations for  
10                  employee misclassification, and its results, over the preceding 12-month period, as  
11                  prescribed by G.S. 143-789; and
- 12           (13)   an application fee of twenty-five (\$25.00) dollars.
- 13   (c) An applicant pursuant to this Rule shall provide a copy of the completed application set forth in Paragraph(b) of  
14   this Rule to the occupational board or agency in which the applicant is certified, licensed, or registered to practice  
15   social work. The applicant shall request that the occupational board or agency in which the applicant is certified,  
16   licensed, or registered to practice social work submit a form to the Board that contains the following:
- 17           (1)   confirmation that the applicant’s completed application as set forth in Paragraph (b) of this Rule is  
18                  accurate, if known;
- 19           (2)   whether the applicant obtained original licensure from the responding board or agency and, if not,  
20                  the jurisdiction from which the applicant obtained original licensure;
- 21           (3)   whether the responding board or agency has official transcripts, as prescribed in 21 NCAC 63 .0203,  
22                  in its records for the applicant;
- 23           (4)   whether the applicant graduated from an education program that is accredited by the Council on  
24                  Social Work Education (CSWE), for which accreditation standards are available at [www.cswe.org](http://www.cswe.org);
- 25           (5)   whether the applicant was exempt [or “grandfathered”] from the jurisdiction’s licensure  
26                  requirements at the time the applicant received his or her certification, licensure, or registration to  
27                  practice social work;
- 28           (6)   whether the applicant took an ASWB examination to obtain licensure in the responding board or  
29                  agency’s jurisdiction and, if so, which examination;
- 30           (7)   whether the applicant’s licensure in the responding board or agency’s jurisdiction is in good standing  
31                  and, if not, the reason for which the licensure is not;
- 32           (8)   whether the responding board or agency, any state agency, or any professional organization ever has  
33                  found the applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice,  
34                  or incompetent practice and, if so, a copy of the documents adjudicating the applicant;
- 35           (9)   whether any charges are pending against the applicant before the responding board or agency, any  
36                  state agency, or any professional organization for unprofessional conduct, dishonest or fraudulent  
37                  practice, or incompetent practice;

- 1       (10)   whether the applicant completed any supervision of clinical practice that was approved by the  
2       responding board or agency and, if so:  
3       (A)    the dates of supervision;  
4       (B)    the total number of supervision hours recorded;  
5       (C)    the total number of practice hours recorded; and  
6       (D)    the name and license number of the applicant's supervisor;  
7       (11)   whether the responding agency or board has any additional comments regarding the applicant's  
8       fitness to practice clinical social work or licensure status; and  
9       (12)   the name, signature, date of signature, and contact information of the representative completing the  
10      information set forth in Paragraph (c) of this Rule, with the responding board or agency's seal  
11      affixed.

12  
13   *History Note:*    *Authority G.S. 90B-6; 90B-6.2; 90B-8;*  
14                    *Temporary Adoption Eff. October 1, 1999;*  
15                    *Eff. July 1, 2000;*  
16                    *Amended Eff. January 1, 2009;*  
17                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*  
18                    *19, 2015; 2015;*  
19                    *Amended Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0214

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), line 9, the citations should read, “.0202(b)(1) – (3), (6) – (12), and ...” This was published correctly in the Register, so you will not show this as a change. Simply change it. Please note the same change for (b)(1), line 18, and (c), line 25.*

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

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 .0301 is amended as published in 35:20 NCR 2251-2270 as follows:

### SECTION .0300-EXAMINATIONS

#### 21 NCAC 63 .0301 QUALIFYING EXAMINATIONS

(a) Any national examination selected by the Board, ~~or any examination developed by the Board,~~ Board shall serve to evaluate the qualifications of each applicant for certification or licensure. Any such examination shall be administered at least once a year. ~~Applicants for certification or licensure must pass the appropriate qualifying examination within two years of the initial application; failure to do so will necessitate that the applicant reapply to the Board for certification or licensure.~~

(b) The Board examination required by G.S. 90B-7(b)(2) for the Certified Social Worker credential is the Association of Social Work Board ("ASWB") Bachelor level examination. The Board examination required by G.S. 90B-7(c)(2) for the Certified Master Social Worker credential is the ASWB Master level examination or the Academy of Certified Social Workers ("ACSW") examination. The Board examination required by G.S. 90B-7(d)(3) for the Licensed Clinical Social Worker credential is the ASWB Clinical level examination. The Board examination required by G.S. 90B-7(e)(3) for the Certified Social Worker Manager credential is the ASWB Advanced Generalist level examination if the applicant holds a Master's degree, or the ASWB Bachelor level examination if the applicant holds a Bachelor's degree.

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

*Eff. August 1, 1987;*

*Amended Eff. August 1, 1990;*

*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 .0304 is repealed as published in 35:20 NCR 2251-2270 as follows:

**21 NCAC 63 .0304            CANCELLATION**

*History Note:    Authority G.S. 90B-6;  
                      Eff. August 1, 1987;  
                      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;  
                      Repealed Eff. October 1, 2021.*

1 21 NCAC 63 .0306 is amended as published in 35:20 NCR 2251-2270 as follows:

2  
3 **21 NCAC 63 .0306 EXAMINATION FEES**

4 An examination fee of forty dollars (\$40.00) plus the cost of the examination to the Board shall be assessed for  
5 administration and processing of any written examination. Examination fees are nonrefundable.

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

8 *Eff. August 1, 1987;*

9 *Amended Eff. September 1, 1993;*

10 *Temporary Amendment Eff. January 1, 1996;*

11 *Amended Eff. April 1, 1997;*

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

13 *Amended Eff. July 1, 2000;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*  
15 *19, ~~2015~~, 2015;*

16 *Amended Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0401

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (c)(2), line 24, should "mini courses" be hyphenated?*

*On line 25, please insert a comma after "skills"*

*In (c)(3), line 26, please insert a comma after "law"*

*On line 27, please insert a comma after "skills"*

*In (c)(4), line 29, please insert a comma after "activities"*

*In (c)(5), Page 2, line 2, please insert a comma after "practice"*

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

21 NCAC 63 .0401 is amended 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 or conferences oriented to social work practice, values, skills and knowledge;
- (3) ~~Cross-disciplinary cross-disciplinary~~ offerings from medicine, law and the behavioral/social sciences or other disciplines, if such offerings are related to social work practice, values, skills and knowledge;
- (4) ~~Distance distance~~ learning 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 provided the following can be  
3 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.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0403

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b)(5), line 16, here you state the fee "shall be" but in (b)(1) through (4), you say the fee "is" Should you use "is" here to be consistent?*

*In (d)(7)(D), Page 2, lines 5-6, the criminal background check was added post-publication. Was this in response to public comment? And is this intended to enforce the provisions of G.S. 90B-11(a)(1)?*

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: August 31, 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:

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

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0404

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (c), line 18, please change the citation to "90B-9.1" (with no hyphen between "90" and "B")*

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: August 31, 2021

21 NCAC 63 .0404 is amended 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 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.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0405

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 16, please insert an "a" or "the" before "defendant"*

*In (c), line 19, why do you need the Section name, "Ethical Guidelines" here? Wouldn't "violation of Section .0500 of these Rules" suffice? If you need to retain it, please state "Ethical Guidelines as set forth in Section .0500 of this Chapter", which is what you published in the NC Register, so you will not show it as a change.*

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

21 NCAC 63 .0405 is amended 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 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, Section ~~.0500. .0500~~ .0500 of these Rules.

*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.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0406

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 11, consider replacing "to include" with "with"*

*I do not understand Paragraph (d). G.S. 93B-15 states:*

### **§ 93B-15. Payment of license fees by members of the Armed Forces; board waiver rules**

- (a) An individual who is serving in the Armed Forces of the United States and to whom [G.S. 105-249.2](#) grants an extension of time to file a tax return is granted an extension of time to pay any license fee charged by an occupational licensing board as a condition of retaining a license granted by the board. The extension is for the same period that would apply if the license fee were a tax.
- (b) Occupational licensing boards shall adopt rules to postpone or waive continuing education, payment of renewal and other fees, and any other requirements or conditions relating to the maintenance of licensure by an individual who is currently licensed by and in good standing with the board, is serving in the Armed Forces of the United States, and to whom [G.S. 105-249.2](#) grants an extension of time to file a tax return.

*This Paragraph is not postponing or waiving continuing education requirements; instead, it is saying that approved continuing education cannot be carried forward. What is the intent here?*

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

21 NCAC 63 .0406 is amended 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 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)~~ 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.*



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0503

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 12, replace “of these rules” with “of this Chapter” As this was published correctly in the Register, you will not show it as a change.*

*In (d), line 16, by “state” do you mean any state or just NC? If it’s only NC, then please capitalize the term.*

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: August 31, 2021

21 NCAC 63 .0503 is amended 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 these rules, 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, 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.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0504

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 8, the addition of "that" is new. Please underline it.*

*In (d), line 14, determined by whom?*

*In (e), lines 19-20, what does "respect the integrity, protect the welfare, and maximize self-determination" mean here? Does your regulated public know?*

*In (f), line 24, what is "when possible"? Who determines this?*

*On line 27, I take it "appropriate precautions" is partially defined by the language on lines 27-29?*

*On line 30, what is "clear" here?*

*In (g), line 35, capitalize "Rule" and insert a comma after it. Thus, "For the purposes of this Rule, "sexual contact" means..."*

*On line 36, who will determine this?*

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

21 NCAC 63 .0504 is amended 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 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. 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 "sexual contact" means behavior relating to sexual activities including intentional touching, either directly or through the clothing that may be exploitive, abusive, or detrimental to the clients' welfare.

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

5  
6 *History Note: Authority G.S. 90B-6; 90B-11;*

7 *Eff. March 1, 1994;*

8 *Amended Eff. April 1, 2001;*

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

10 *19, ~~2015~~, 2015;*

11 *Amended Eff. October 1, 2021.*

21 NCAC 63 .0505 is amended as published in 35:20 NCR 2251-2270 as follows:

**21 NCAC 63 .0505            RELATIONSHIPS WITH COLLEAGUES**

Social workers shall act with integrity in their relationships with colleagues and other professionals. They shall consider the practice areas and knowledge or expertise of other professionals to whom they make referrals and with whom they collaborate in serving clients.

- (1) When expressing judgment on the views, qualifications and findings of colleagues, social workers shall not misrepresent the colleague's license level, degree, or other professional qualification in any written or oral communication and shall avoid the use of demeaning or derogatory language.
- (2) Social workers shall maintain knowledge of the professional and community resources available to the client population they serve and when referring clients, social workers shall refer to professionals and community resources that are able to provide the services required.
- (3) If a social worker's services are sought by an individual who is already receiving similar services from another professional, the client's welfare shall be the primary consideration before agreeing to provide services. To minimize confusion and conflict, social workers shall discuss with the prospective client the nature of the existing professional relationship, the client's needs, the therapeutic issues involved, and the benefits and risks associated with entering into a relationship with a new service provider.
- (4) Social workers shall provide competent professional guidance to colleagues, employees, supervisees, and students. They shall foster working conditions that provide fairness, privacy and protection from physical or mental harm. Social workers supervising associate licensees shall evaluate without bias, the work performance of those under their supervision, and share evaluations with supervisees. Social ~~Workers~~ workers shall not engage in sexual relationships with supervisees, students, trainees, or other colleagues over whom they exercise professional authority. They shall not abuse the power inherent in their supervisory position for personal or financial gain.
- (5) A social worker certified or licensed under this Chapter who has knowledge of conduct that would constitute grounds for disciplinary action under this ~~Chapter~~ Chapter, or the Chapter governing the practice of another licensed healthcare ~~provider~~ provider, shall report the conduct to the licensing authority that oversees the healthcare provider believed to be engaged in misconduct. Social workers shall provide information to assist colleagues defending themselves against allegations of unethical or incompetent practice.

*History Note: Authority G.S. 90B-6; 90B-11;  
Eff. March 1, 1994;  
Amended Eff. February 1, 2017; 2017;  
Amended Eff. October 1, 2021.*

21 NCAC 63 .0508 is amended as published in 35:20 NCR 2251-2270 as follows:

### **21 NCAC 63 .0508        PURSUIT OF RESEARCH AND SCHOLARLY ACTIVITIES**

In planning, ~~conducting~~ conducting, and reporting a study with human subjects, the social worker acting as an investigator shall ~~make a careful evaluation of its ethical acceptability, taking into account the following additional principles for research with human subjects.~~ evaluate the ethical acceptability in accordance with this Rule. To the extent that this ~~appraisal,~~ evaluation, weighing scientific and humane values, suggests a compromise of ethical principles, the investigator shall protect the rights of the research participants.

- (1) Social workers shall obtain authorization from administrative superiors and clients who agree to be subjects in the study. Social workers shall also acknowledge ~~accurately~~ any other persons who contribute in a scholarly manner to their research in any reports concerning their research, whether published or unpublished.
- (2) ~~An agreement shall be established between the~~ The social worker acting as an investigator shall establish with ~~and~~ the research participant an agreement clarifying ~~their~~ each person's roles and responsibilities.
- (3) The rights of an individual to decline to participate in or withdraw from the research shall be respected and the participant shall not be penalized for such action.
- (4) The social worker acting as an investigator shall ~~inform the participant of all the features of the research that would affect his/her~~ give the individual information about the manner in which the research may affect the individual, in order for the individual to give his or her informed consent for participation in the study.
- (5) ~~Information~~ Identifying information obtained about the participant during the course of the study shall be confidential unless informed consent for release of information is obtained in advance.
- (6) Research findings shall be presented accurately. Social workers shall not distort or misrepresent research.

*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.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0509

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 6, please remove the underlining from the struck "objectively" since you are removing existing language from the Code.*

*On line 9, what are these "efforts" Will it be for the licensee or certificate holder to determine?*

*In (b), line 11, what is "relevant" here? Does your regulated public know?*

*On line 13, what do you mean by "appropriate" fee information?*

*In (c), line 16, replace "which" with "that"*

*In (d), line 20, what do you mean by "make clear"? Does your regulated public know?*

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: August 31, 2021



21 NCAC 63 .0509 is amended 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 from an accredited institution; specialized post-graduate training; address and telephone number; office hours; type of services provided; appropriate 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 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 personal opinions and which are 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.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0601

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Is the intent of this Rule to set forth the grounds in G.S. 90B-11(a)(7) that will be violations of Board rules?*

*In (1), line 8, replace "which" with "that"*

*In (4), by "order" do you mean violating a disciplinary order?*

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: August 31, 2021

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

## SECTION .0600 - DISCIPLINARY PROCEDURES

### 21 NCAC 63 .0601        GROUNDS 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 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.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0602

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(2), line 8, state "about whom" Please note the same for (a)(7)(C), line 20.*

*In (a)(4), will a member of the public know the rule or statute citation? Will facts not be sufficient?*

*In (a)(7)(C), line 21, so that I'm clear – when will the complaint be a public record, given the language of G.S. 90B-11(g)?*

*In (a)(8), line 23, replace "on which" with "when"*

*In (b), line 25, what is an "ethical guideline"? How is different from the rules in Section .0500?*

*In (c), line 28, consider stating, "the rules of this Chapter." Please note the same suggestion for (e), line 33.*

*In (e), line 33, I believe you mean to cite to G.S. 90B, correct? If not, under what authority are you seeking to enforce violations in Chapter 90?*

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: August 31, 2021

21 NCAC 63 .0602 is amended 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 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;
- (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 the complaint is filed shall be made aware of the complaint and when the complaint may be disclosed as a public record;
- (8) the complainant's signature and the date on which 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 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. 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 or these Rules 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.

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

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

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0603

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 4, what is "credible" evidence?*

*On lines 7-8, you state what will be included in the notice. However, G.S. 150B-38(b) (as amended by SL 2021-88) requires the following:*

### **150B-38. Scope; hearing required; notice; venue.**

(b) Prior to any agency action in a contested case, the agency shall give the parties in the case an opportunity for a hearing without undue delay and notice not less than 15 days before the hearing. Notice to the parties shall ~~include:~~include all of the following:

- (1) A statement of the date, hour, place, and nature of the ~~hearing;~~hearing.
- (2) A reference to the particular sections of the statutes and rules ~~involved;~~and involved.
- (3) A short and plain statement of the facts alleged.

*Should your Rule just state that the notice will include the information required by G.S. 150B-38(b) instead? (Otherwise, your reference to "alleged facts" is different from the statutorily required "short and plain statement").*

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

21 NCAC 63 .0603 is amended 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 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 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.*



## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0607

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 7, I take it "good faith and timely manner" is being used to mirror the language in G.S. 150B-40(b)?*

*In (b)(1), line 10, please replace "which" with "that"*

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

21 NCAC 63 .0607 is amended 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 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.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0608

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 7, and elsewhere the term is used, what is "immediately" here? Without any break at all after the hearing?*

*On line 7, I don't read Rule .0603 to govern conduct of the hearing – only the notice. Should this sentence read "... proceeding noticed pursuant to..."? Or is there another cross-reference you wish to use?*

*On line 9, delete "for which"*

*In (b), lines 11-14, this is a very long sentence. I recommend you end the sentence on line 13 after "fifteen days." Then state, "The Board may allow additional time for good cause shown..."*

*On line 15, replace "mean" with "shall be determined by"*

*In (e)(3), line 32, what is "dilatory" and "in good faith" here? And I take it this finding will be made on a case-by-case basis?*

*For the assessment of the disciplinary costs on lines 35 through Page 2, line 2, I take it this is to implement G.S. 90B-11(h), which states:*

(h) The Board may assess costs of disciplinary action against an applicant, certificate holder, or licensee found to be in violation of the provisions of this Chapter or of any rules adopted by the Board pursuant to this Chapter. (1983, c. 495, s. 1; 1987, c. 827, s. 1; 1999-313, s. 1; 2019-240, s. 10(a).)

*In the History Note, I do not think you need to continue to cite to SL 1999-313, as those requirements have been codified into G.S. 90B-11.*

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: August 31, 2021

21 NCAC 63 .0608 is amended 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 the conclusion of a disciplinary proceeding conducted 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, unless 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 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 .0609 is amended with changes as published in 35:20 NCR 2251-2270 as follows:

### **21 NCAC 63 .0609        REPORTING OF DISCIPLINARY ACTIONS**

The Board shall report all disciplinary actions specified in G.S. 90B-11 through the Public Protection Database (PPD), the National Practitioner Data Bank—Healthcare Integrity and Protection Data Bank (NPDB HIPDB), and may report them to any requesting public or private entity. Disciplinary actions do not include complaints.

(1) ~~In compliance with NPDB HIPDB requirements, the N.C. Social Work Certification and Licensure Board shall report negative action or finding that is publicly available. Consistent with 45 C.F.R. 60.3, the following negative actions shall be reported:~~

- ~~(a) Injunctions for unlicensed practice;~~
- ~~(b) Issuance of a cease and desist order;~~
- ~~(c) Revocation;~~
- ~~(d) Suspension;~~
- ~~(e) Censure;~~
- ~~(f) Reprimand;~~
- ~~(g) Probation;~~
- ~~(h) Withdrawal or denial of initial applications or reapplications proximate to an ethics matter;~~
- ~~(i) Surrender of certification or license during an investigation;~~
- ~~(j) Practice limitations connected to the delivery of health care services as defined by 45 C.F.R. 60.3; and~~
- ~~(k) Limitations on the right of a licensee or certificate holder to supervise.~~

(2) ~~For purposes of this Rule, the following matters shall not constitute negative actions:~~

- ~~(a) monitoring independent of restrictions or discipline; and~~
- ~~(b) letters of concern.~~

(a) In accordance with 45 CFR 60.9, the Board shall report disciplinary actions specified in G.S. 90B-11 to the National Practitioner Data Bank. 45 CFR 60.9 is hereby incorporated by reference, including subsequent amendments and additions, and can be found at <https://www.govinfo.gov/content/pkg/CFR-2007-title45-voll/pdf/CFR-2007-title45-voll-sec60-9.pdf> <https://www.govinfo.gov/content/pkg/CFR-2007-title45-voll/pdf/CFR-2007-title45-voll-sec60-9.pdf> at no cost.

(b) For purposes of this Rule and G.S. 90B-11, the following matters constitute disciplinary actions:

- (1) injunctions for unlicensed practice;
- (2) issuance of a cease and desist order;
- (3) revocation;
- (4) suspension;
- (5) censure;
- (6) reprimand;
- (7) probation;

- 1       (8)     withdrawal or denial of initial applications or reapplications proximate to an ethics matter;  
2       (9)     surrender of certification or license during an investigation;  
3       (10)    practice limitations connected to the delivery of health care services as defined by 45 C.F.R. 60.3;  
4       and  
5       (11)    limitations on the right of a licensee or certificate holder to supervise.

6     (c) For purposes of this Rule, the following matters shall not constitute disciplinary actions:

- 7       (1)     monitoring independent of restrictions or discipline;  
8       (2)     letters of concern; and  
9       (3)     complaints.

10  
11    History Note:    Authority G.S. 90B-6(h); 90B-11;  
12                      Temporary Adoption Eff. October 1, 1999;  
13                      Eff. July 1, 2000;  
14                      Amended Eff. July 1, 2011;  
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.

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0610

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 7, and (b), line 8, why do you say, "the Chair or"? Since pursuant to Rule .0607, the Chairperson is the presiding officer unless he or she is disqualified, wouldn't saying "to the presiding officer" suffice?*

*If you need to retain the language, then shouldn't the title be the same in both Rules .0607 and here?*

*In (d), so that I'm clear – if the motion for continuance is filed more than seven calendar days out, then it will be denied? If it's filed closer to the hearing date, what will happen then? Or are you saying in Paragraph (c) that any motion for continuance filed less than seven days before the hearing shall be denied under all circumstances?*

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: August 31, 2021



21 NCAC 63 .0610 is amended 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 .0701 is amended as published in 35:20 NCR 2251-2270 as follows:

## SECTION .0700 – ADMINISTRATIVE PROCEDURES

### 21 NCAC 63 .0701 PETITIONS FOR ADOPTION OF RULES

~~(a) The procedure for petitioning the Board to adopt, amend, or repeal a rule is governed by G.S. 150B-20.~~

~~(b) Submission.~~ Rule-making petitions shall be sent to the executive director of the Board. ~~Contact information for the Board can be found on the Board's website at [www.ncswboard.org](http://www.ncswboard.org). No special form is required.~~ The rule-making petition shall ~~contain the following information:~~ state the petitioner's name and address and shall contain the information required by G.S. 150B-20(a). The petitioner also may submit the following additional information:

- ~~(1) the name and address of the person making the request;~~ the reason for the proposal;
- ~~(2) the proposed text of any requested rule change; and~~ data supporting the proposed rule;
- ~~(3) a statement of the effect of the requested change.~~ practices likely to be affected by the proposed rule;  
and
- ~~(4) persons likely to be affected by the proposed rule.~~

~~(c) The Board does not require the following information to be submitted with the petition, but does consider the following information to be pertinent:~~

- ~~(1) the reason for its proposal;~~
- ~~(2) data supporting the proposed rule;~~
- ~~(3) practices likely to be affected by the proposed rule; and~~
- ~~(4) persons likely to be affected by the proposed rule.~~

~~(d) Disposition.~~ The executive director shall present the petition and his or her recommendation to the Board at its next regular meeting following receipt of the petition, and the Board shall render its decision to either deny the petition or initiate rule making. The Board shall notify the petitioner of its decision in writing within the 120 day period set by G.S. 150B-20.

*History Note:* G.S. 90B-6(h); 150B-20;  
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 .0703 is repealed as published in 35:20 NCR 2251-2270 as follows:

**21 NCAC 63 .0703            TEMPORARY RULES**

*History Note:    Authority G.S. 90B-6(h); 150B-21.1;*

*Eff. September 1, 1989;*

*Temporary Amendment Eff. October 1, 1999;*

*Amendment Eff. July 1, 2000;*

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

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

*Repealed Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0704

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b)(2), line 9, G.S. 150B-4 allows declaratory rulings related to statutes, rules, or orders. Does the Board not issue orders, such that they will need to be included within this Rule?*

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: August 31, 2021

21 NCAC 63 .0704 is amended 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 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.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0705

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b)(3), line 12, why do you need "as described in G.S. 90B-6.2"? Wouldn't referring to Rule .0403, which actually sets the amount of the late fee, be a better cross-reference here?*

*In (c), line 13, replace "which" with "that"*

*In the History Note, please do not cite to G.S. 25-3-506. While it is appropriate to refer to it in the text of the Rule, it does not confer rulemaking.*

*Also in the History Note, is G.S. 90B-6.2(b) not applicable?*

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: August 31, 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.

(c) Any license that has been issued or renewed based on a check which 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);  
                         Eff. October 1, 2021.*

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Social Work Certification Licensure Board

RULE CITATION: 21 NCAC 63 .0901

**DEADLINE FOR RECEIPT: Friday, September 10, 2021**

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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*You establish the fee for renewal in (d)(2), and then you recite it again in Rule .0902. I am just asking – do you need to establish this fee in both Rules, or should it be deleted here and retained in Rule .0902?*

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: August 31, 2021



21 NCAC 63 .0901 is amended as published in 35:20 NCR 2251-2270 as follows:

**SECTION .0900 - PROFESSIONAL CORPORATION OR LIMITED LIABILITY COMPANY**

**21 NCAC 63 .0901 APPLICATIONS FOR A CERTIFICATE OF REGISTRATION**

~~(a) Social Work Licensees~~ Licensed clinical social workers who wish to form a Professional Corporation or Professional Limited Liability Company must apply to the ~~North Carolina Social Work Certification and Licensure~~ Board for a Certificate of ~~Registration~~, Registration in accordance with this Rule, pursuant to Chapter 55B of the North Carolina General Statutes. ~~The following fees apply:~~

(b) All applications for a Certificate of Registration for Professional Corporation shall include the fee described in Paragraph (d) of this Rule and provide the following:

- (1) the name and address of the proposed business;
- (2) the purpose of the proposed business;
- (3) the name, address, profession, and license number of each proposed stock owner;
- (4) the percentage of shares to be owned by each proposed stock owner;
- (5) the name, address, profession, and license number of each proposed director;
- (6) the name, address, profession, and license number of each proposed corporate officer;
- (7) the name, address, profession, and license number of each proposed professional employee;
- (8) the contact information of the person completing the application; and
- (9) notarized signatures from the business's incorporators and an attestation that:
  - (A) they have read the Board's governing statutes and rules;
  - (B) there are no disciplinary actions pending against any of the business's incorporators, officers, directors, stockholders, or employees;
  - (C) the business is being incorporated under the provisions of Chapter 55B of the North Carolina General Statutes; and
  - (D) the business will be conducted in compliance with the Professional Corporation Act and the laws governing licensees of the Board.

(c) All applications for a Certificate of Registration for Professional Limited Liability Company shall include the fee described in Paragraph (d) of this Rule and provide the following:

- (1) the name and address of the proposed business;
- (2) the purpose of the proposed business;
- (3) the name, address, profession, and license number of each proposed shareholder;
- (4) the percentage of shares to be owned by each proposed shareholder;
- (5) the name, address, profession, and license number of each proposed director;
- (6) the name, address, profession, and license number of each proposed member;
- (7) the name, address, profession, and license number of each proposed professional employee;
- (8) the contact information of the person completing the application; and

- (9) notarized signatures from the business's organizers and an attestation that:
- (A) they have read the Board's governing statutes and rules;
- (B) there are no disciplinary actions pending against any of the business's organizers, members, managers, or employees;
- (C) the business is being organized under the provisions of Chapter 57D of the North Carolina General Statutes; and
- (D) the business will be conducted in compliance with Chapter 57D of the North Carolina General Statutes and the laws governing licensees of the Board.

(d) The following non-refundable fees apply:

- (1) ~~Fifty~~ fifty dollars (\$50.00) – application fee for a certificate of registration for a professional corporation or limited liability company; and
- (2) ~~Twenty-five~~ twenty-five dollars (\$25.00) – annual renewal fee for the certificate of registration for a professional corporation or limited liability ~~company; and~~ company.
- (3) ~~Twenty-five (\$25.00) – fee for amendments(s) to the certificate of registration for a professional corporation or limited liability company. An amendment to the Certificate of Registration shall be required for a change in name, address, or professional services provided; changes to the articles of organization or incorporation; change in ownership or members. Any social workers who has been granted a Certificate of Registration from this Board shall inform the Board of other changes in writing and at no additional cost within 30 days from the effective date of the change.~~

*History Note: Authority G.S. 55B-10; 55B-11; 55B-12; ~~57C-2-01(e)~~; 57D-2-02; 90B-6; ~~90B-6.2~~; 90B-11; Eff. January 1, 2009;*

*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 .0902 is amended as published in 35:20 NCR 2251-2270 as follows:

**21 NCAC 63 .0902            RENEWAL OF CERTIFICATE OF REGISTRATION**

(a) ~~A Social workers who have registered their business with the Board in accordance with 21 NCAC 63 .0901 shall renew annually their~~ Certificate of Registration issued by the Board ~~shall be renewed annually prior to the expirations date printed on the certificate.~~ on or before January 1 of each year. Applications for Renewal of Certificates of Registration shall provide the following:

- (1) whether there has been any change to the business since the last renewal of the Certificate of Registration;
- (2) identification of changes to the business since its last submission to the Board office, if any were made;
- (3) whether the business has ceased operation and, if so, a copy of the articles of dissolution;
- (4) the name, contact information, and license number of the licensees who are owners, members, or shareholders of the business;
- (5) the name, address, and certificate of registration number of the business;
- (6) applicant's signature and the date signed; and
- (7) a non-refundable fee of twenty-five dollars (\$25.00).

(b) A Certificate of Registration ~~will~~ shall be suspended for failure to renew within 30 days after the expiration date and ~~will~~ shall be reported to the Office of the Secretary of State.

~~(c) The Board may reinstate a Certificate of Registration suspended under this subsection within the calendar year upon payment of the required renewal fee plus an additional fee for late renewal as provided in G.S. 55B-11.~~

*History Note: Authority G.S. 55B-11; 55B-12; ~~57C-2-01(e)~~; 57D-2-02; 90B-6; ~~90B-6.2~~; 90B-11;*

*Eff. January 1, 2009;*

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

*Amended Eff October 1, 2021.*