

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Fee Based Practicing Pastoral Counselors

RULE CITATION: All Rules Submitted

DEADLINE FOR RECEIPT: Wednesday, September 9, 2020

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:

For each Rule, insert an introductory statement on line 1, which states "Rule 21 NCAC 45 XXXX is amended as published in 34:26 NCR 2181 as follows:"

Please note, for Rule .0403, as that is an adoption, you will state, "Rule 21 NCAC 45 .0403 is adopted as published in 34:26 NCR 2181 as follows:"

In the History Note for each Rule, insert a line at the bottom that says "Amended Eff. October 1, 2020." For Rule .0403, state "Eff. October 1, 2020."

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 26, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Fee Based Practicing Pastoral Counselors

RULE CITATION: 21 NCAC 45 .0101

DEADLINE FOR RECEIPT: Wednesday, September 9, 2020

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 2, insert "(Board)" after "Counselors"

Also on line 2, please delete the period after "is"

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 26, 2020

1 **21 NCAC 45 .0101 ADDRESS**

2 (a) The mailing address for the North Carolina State Board of Fee-Based Practicing Pastoral Counselors is. P.O. Box
3 447, Kernersville, NC 27285-0447.

4 (b) The website address for the Board is www.ncpastoralcounseling.org.

5
6 *History Note: Authority G.S. 90-385;*
7 *Eff. March 1, 1996;*
8 *Amended Eff. February 1, 2016;*
9 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*

1 **21 NCAC 45 .0202 REVIEW PROCEDURE**

2 (a) ~~A copy of the applicant's application, documentation for certification form, and all other required supporting~~
3 ~~documentation shall be mailed to all Board members prior to the next scheduled meeting. The Board shall review the~~
4 ~~applicant's application, documentation for certification form, and all other required supporting documentation at the next~~
5 ~~meeting. The applicant shall submit the information required in Rule .0201(a) of this Section to the Board. The Board~~
6 shall review the information submitted at a Board meeting to determine compliance with G.S. 90-387.

7 (b) ~~If approved, the applicant shall be informed and shall be given information regarding the exam. The Board shall~~
8 publish information on its website about the exam that the applicant may use as assistance in preparing for it.

9 (c) ~~If the credentials are unacceptable, the applicant is so informed and is given an explanation of the area(s) which are~~
10 ~~considered deficient. The Board shall notify an applicant if the credentials are denied and explain the area(s) that do not~~
11 meet G.S. 90-387. Applicants may remedy deficiencies within one year from the date of notification of such without
12 having to reapply.

13 (d) ~~If a question arises during the review process regarding comments made by endorsers or supervisors, the Board shall~~
14 ~~seek to resolve the question by communicating with the endorser or supervisor, or the Board may refer the matter to their~~
15 ~~legal counsel or to a member of the Board or employee of the Board for investigation.~~

16 (e) ~~If certification is denied, an explanation of the grounds for denial shall be given. The applicant may present~~
17 ~~additional written information in support of the application to be considered by the Board.~~

18
19 *History Note: Authority G.S. 90-385(f); 90-387(a)(4); 90-387(b)(4);*

20 *Eff. March 1, 1996;*

21 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Fee Based Practicing Pastoral Counselors

RULE CITATION: 21 NCAC 45 .0301

DEADLINE FOR RECEIPT: Wednesday, September 9, 2020

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) and (a)(2), you are deleting language and punctuation without showing it. As it was published correctly in the Register, do not show this as a change; simply do it.

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 26, 2020

1 **21 NCAC 45 .0301 TYPES**

2 (a) The Board shall ~~employ~~ administer a written and oral examination to test an applicant's knowledge in the following
3 areas:

- 4 (1) Code of Ethics as set forth in G.S. 90-390(a)(7);
- 5 (2) Fee-Based Practicing Pastoral Counselors Certification Act G.S. 90, Article 26;
- 6 (3) Individual Pastoral Counseling and Psychotherapy;
- 7 (4) Marriage, Family, or Group Counseling and Psychotherapy; and
- 8 (5) Religion, Theology, and Ethics of Pastoral Counseling.

9 ~~(b) The written examination shall be given annually in the spring.~~ A passing score shall consist of 70% correct
10 responses on the written exam.

11 ~~(c) The Board shall administer the oral examination shall be administered to applicants during the next regularly~~
12 ~~scheduled at a Board meeting.~~ A passing score on the oral examination shall be determined by the applicant's
13 ~~demonstration to the satisfaction of the Board that skills necessary to engage in pastoral counseling and in depth pastoral~~
14 ~~psychotherapy are integrated. These skills include but are not limited to: articulation of one's theory of pastoral~~
15 ~~counseling and psychotherapy; use of authority in the pastoral counseling and psychotherapy relationship; and emotional~~
16 ~~availability for the pastoral counseling and psychotherapy process ability to satisfy G.S. 90-387, including the~~
17 ~~applicant's ability to articulate his or her theory of pastoral counseling and psychotherapy as defined in G. S. 90-382, and~~
18 ~~elaborate on written exam portions set forth in Subparagraphs (a)(3) through (5) of this Rule.~~

19
20 *History Note: Authority G.S. 90-385(f); ~~90-387(a)(3); 90-387(b)(3); 90-387~~;*

21 *Eff. May 1, 1996;*

22 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*

1 **21 NCAC 45 .0401 CERTIFICATION RENEWAL FORM**

2 The Board shall ~~mail~~ make renewal forms accessible through its website to each licensee ~~the renewal form in the spring~~
3 of each year. The licensee shall return the completed form on or before January 1 of the following year. The form shall
4 ask for current home and business ~~addresses and~~ addresses, telephone ~~numbers~~ numbers, and an email address. Pastoral
5 Counseling Associates shall submit an additional form documenting required supervision as stated in Rule .0801 of this
6 Chapter.

7

8 *History Note: Authority G.S. 90-385(f); 90-389;*

9 *Eff. March 1, 1996;*

10 *Amended Eff. March 1, 2016;*

11 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Fee Based Practicing Pastoral Counselors

RULE CITATION: 21 NCAC 45 .0403

DEADLINE FOR RECEIPT: Wednesday, September 9, 2020

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), you refer to suspension pursuant to G.S. 90-389(b); in Paragraph (b), you refer to suspension for nonpayment of fees and failure to comply with CE requirements. Is this not also captured by G.S. 90-389(b)? Why is the language different here?

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 26, 2020

1 **21 NCAC 45 .0403 REINSTATEMENT AFTER SUSPENSION**

2 (a) A license that is suspended pursuant to G.S. 90-390 (b) may be reinstated if, within two years of suspension date, the
3 renewal fees are paid and evidence of completing continuing education requirements is submitted. The continuing
4 education requirements documented at the time of reinstatement must equal the hours required had the license not
5 expired.

6 (b) A license that has been suspended for nonpayment of renewal fees or failure to comply with continuing education
7 requirements for a period of more than two years shall not be reinstated. A new license may be granted pursuant to
8 paying the applicable license application fees and meeting the licensing requirements under Sections .0200 and .0300 of
9 this Chapter.

10
11 History Note: Authority G.S. 90-390(b); 90-390(d);

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Fee Based Practicing Pastoral Counselors

RULE CITATION: 21 NCAC 45 .0501

DEADLINE FOR RECEIPT: Wednesday, September 9, 2020

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)(3), line 8, insert a comma after "Psychological"

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 26, 2020

1 **21 NCAC 45 .0501 CONTINUING EDUCATION REQUIREMENTS**

2 (a) ~~A form for continuing education requirements shall be mailed with the~~ A certified person shall submit a form with
3 continuing education requirements with his or her annual renewal form form, which the Board will make accessible
4 through its website. Each Fee-Based Practicing Pastoral Counselor and Pastoral Counseling Associate shall complete a
5 total of 50 hours of continuing education each year in the following ~~identified~~ areas:

- 6 (1) Category I - Pastoral Theology;
- 7 (2) Category II - Clinical Theory and Practice;
- 8 (3) Category III - Pastoral, Psychological and Psychiatric Diagnosis;
- 9 (4) Category IV - Consultation and Supervision; and
- 10 (5) Category V - Reading Books and Professional Journals in the field of Pastoral Counseling and
11 Psychotherapy.

12 (b) In a continuing education year, 20 hours of the 50 hours required shall be ~~contact~~ hours in ~~either Category I—~~
13 ~~Pastoral Theology, Category II—Clinical Theory and Practice or Category III—Pastoral, Psychological and Psychiatric~~
14 ~~Diagnosis.~~ Category I, II, and III.

15 (c) A continuing education year shall be ~~June 1 to May 31 of the following year~~ defined as January 1 through December
16 31.

17 (d) A member of the armed forces whose license is in good standing and to whom G.S. 105-249.2 grants an extension of
18 time to file a tax return shall receive that same extension of time to pay the license renewal fee and complete any
19 continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the
20 Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

21
22 *History Note: Authority G.S. 90-385(f); 90-389;*

23 *Eff. May 1, 1996;*

24 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Fee Based Practicing Pastoral Counselors

RULE CITATION: 21 NCAC 45 .0601

DEADLINE FOR RECEIPT: Wednesday, September 9, 2020

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 6, this is not the correct way to delete the comma after "training" As it was published correctly in the Register, do not show it as a change – just make the change.

On line 8, insert a comma after "experience"

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 26, 2020

1 **21 NCAC 45 .0601 EQUIVALENCY**

2 (a) For the purposes of G.S. 90-387(a)(4)(c), (d), (f), and (g), as well as 90-387(b)(4)(c), (e), (f), and (h), “equivalency”
3 shall be determined by the Board on a case-by-case basis as set forth in this Rule. ~~Equivalencies shall be considered on a~~
4 case by case basis.

5 (b) ~~Should a candidate choose to make a case for~~ Candidates wishing to establish equivalent experience, ~~education,~~
6 education, or training, ~~the candidate shall document~~ submit a written formal request to the Board. ~~The Board shall assign~~
7 ~~a Board member to meet with the candidate and review the request.~~ The request shall then be taken to the addressed by
8 the Board based on equivalent standards to education, experience and training set forth in G.S. 90-387 for either approval
9 or disapproval and a written response shall be sent to the candidate. The onus for documentation of equivalency shall
10 rest entirely with the candidate For any experience, education, or training involved in their request, candidates shall
11 submit documentation of completion with their application. Should equivalency not be granted, the candidate shall be
12 given consultation regarding how to fulfill the particular standard.

13
14 *History Note: Authority G.S. 90-385(f); 90-387;*

15 *Eff. May 1, 1996;*

16 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*

1 **21 NCAC 45 .0701 ISSUANCE OF TEMPORARY CERTIFICATE**

2 ~~(a) The Board of Examiners shall issue temporary certificates at no additional cost than that of customary fees at the~~
3 ~~time of application to the Board of Examiners for a temporary certificate.~~

4 ~~(b)(a) A person who requests a temporary certification as a Fee-Based Practicing Pastoral Counselor or a Fee-Based~~
5 ~~Practicing Pastoral Counseling Associate shall:~~

- 6 (1) Submit an application to take the next examination offered by the Board and pay the non-refundable
7 application fee ~~of one hundred dollars (\$100.00)~~ set forth in G.S. 90-387;
- 8 (2) Pay the non-refundable examination fee of four hundred dollars (\$400.00) for Fee-Based Practicing
9 Pastoral Counselor or the non-refundable examination fee of two hundred and fifty dollars (\$250.00)
10 for Fee-Based Practicing Pastoral Counseling Associate;
- 11 (3) ~~Complete all of the documentation for certification form and all other supporting documentation~~
12 ~~required by the Board for assessing whether the candidate is qualified to take the written and oral~~
13 ~~examination; Submit the information required in Rule .0201 of this Chapter to the Board; and~~
- 14 (4) ~~Be assigned a Board member to function as a liaison/presenter to the full Board and to the sub-~~
15 ~~committee assigned by the Board to review the request;~~
- 16 (5) ~~Consult with the liaison/presenter in an individual consultation prior to the meeting with the sub-~~
17 ~~committee;~~
- 18 (6) ~~Pass the multiple choice components of the Board's written examination which covers knowledge of~~
19 ~~G.S. 90, Article 26 and The Code of Ethics; portions of the written exam set forth in Rule .0301(a)(1)~~
20 ~~and (a)(2) of this Chapter.~~
- 21 (7) ~~Be interviewed by a sub-committee of the Board and be recommended by the sub-committee to the~~
22 ~~Board for a temporary certificate.~~

23 ~~(e)(b) Temporary certificates shall be valid for no longer than one year and shall be automatically terminated at the time~~
24 ~~of the next examination given by the Board.~~

26 *History Note: Authority G.S. ~~90-385(f); 90-384; 90-384; 90-385(f);~~*

27 *Eff. May 1, 1996;*

28 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Examiners of Fee Based Practicing Pastoral Counselors

RULE CITATION: 21 NCAC 45 .0801

DEADLINE FOR RECEIPT: Wednesday, September 9, 2020

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:

On line 4, this is not the proper way to insert a colon after "a" As it was published correctly in the Register, do not show it as a change – simply do it.

In (1), line 7, this is not the proper way to delete the existing period after "Counselor" and insert a semicolon after it.

In (2), line 8, insert a comma after "Carolina" and state "which is" after it, so it reads "Carolina, which is defined as"

On line 12, insert an "or" after "psychiatry"

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 26, 2020

1 **21 NCAC 45 .0801 APPROVED SUPERVISION**

2 ~~(a) The 250 hours of supervision required for certification as a Fee-Based Practicing Pastoral Counselor and the~~
3 ~~125 hours of supervision required for certification as a Fee-Based Practicing Pastoral Counseling Associate set forth~~
4 ~~in G.S. 90-387 shall be documented as provided by a: Diplomate of the American Association for Pastoral~~
5 ~~Counselors (AAPC), a Fellow of the American Association of Pastoral Counselors under supervision by a~~
6 ~~Diplomate of the American Association of Pastoral Counselors or a~~

7 1. North Carolina Certified Fee-Based Practicing Pastoral Counselor;

8 2. A mental health professional licensed or certified to practice in North Carolina defined as a Licensed
9 Clinical Mental Health Counselor (LCMHC); Licensed Clinical Mental Health Counselor Supervisor
10 (LCMHCS); Licensed Marriage and Family Therapist (LMFT); Licensed Clinical Social Worker
11 (LCSW); Licensed Psychologist; Licensed Medical Doctor with a Medical Board certification in
12 psychiatry; Psychiatric Nurse Practitioner; or

13 3. An individual with equal or greater clinical qualifications to one of these professionals that is approved
14 by the Board through written equivalency request submitted to the Board.

15 ~~(b) Any supervision beyond the required 250 hours may be documented as provided by a clinician in another mental~~
16 ~~health discipline who is current in certification or licensure with the particular certifying or licensing group or was~~
17 ~~current at the time of the supervisory experience.~~

18
19 *History Note: Authority G.S. 90-385(f); ~~90-387(a)(4)d; 90-387(b)(4)h; 90-387;~~*

20 *Eff. October 1, 1996;*

21 *Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*