

REQUEST FOR TECHNICAL CHANGE

AGENCY: Substance Abuse Professional Practice Board

RULE CITATION: 21 NCAC 68 .0101

**DEADLINE FOR RECEIPT: Friday, July 10, 2015**

***NOTE WELL: 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 this office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule Form, you state that this Rule is being amended because the Board is required to award credentials by endorsement based upon military service and status as a military spouse. That does not appear to be why the Board is amending this particular rule. Is this the correct explanation for this Rule?*

*In Item (1), you define "applicant" as it is defined for both these Rules and the General Statutes. However, that term is defined in G.S. 90-113.31A(1). How does this Rule interplay with that definition as it applies to statutory interpretation?*

*In Item (5), I suggest making this into a list.*

*"... that include:*

- (a) Clinical evaluation;*
- (b) Treatment planning;*

*On line 22, replace "as set for the Rule 21 NCAC 68 .0107(7)" with "defined in Item 7 of this Rule." This is much clearer.*

*On line 23, do you need to retain "a minimum"? If so, you may retain it, but generally, rules set the minimum requirements.*

*Also on line 23, delete "three hundred (300)" and state "300 hours."*

*In Item (7), lines 26 and 27, again, do you need to retain "a minimum"?*

*On line 28, I recommend state "room: the balance of this ...."*

*So that I understand, in Item (16), on Page 2, line 11, is the "education" referred to different from the term as defined in Item (14)?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: June 25, 2015

*In Item (15), 2,000 hours of what?*

*In Item (18), line 17, what is an “aging problem”?*

*In Item (21), I'd state “set ~~by~~ and provided by the entity...”*

*In Item (25), why is there an “and” at the end of line 28? It appears to be unnecessary and should be deleted.*

*On line 29, please insert a comma after “organization”*

*In Item (33), Page 3, line 18, this is only for individuals certified by the Board, not licensed or registered?*

*In Item (35), doesn't Sub-Item (d) repeat what was already said in Sub-Items (a) through (c)? The only additional information seems to be the mindset of the licensee. Is this needed here, or could it be added to the information above?*

*In Item (36), Page 4, line 3, replace “(Rule .0204 of this Chapter)” with “as set forth in Rule .0204 of this Chapter”*

*On line 4, should it read “a supervisor's”*

*In Item (38), line 10, where you state “one” do you mean “an individual” or “a substance abuse professional”?*

*In Item (40), lines 14 and 15, what is meant by “providing applicant or practice supervision”?*

*In the History Note, you do not need to say the effective date of the amendment twice. Please remove the reference on line 22 and keep it on line 24.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: June 25, 2015

1 **21 NCAC 68 .0101** is adopted as published in 29:19 NCR 2248-2251 as follows:

2  
3 **CHAPTER 68 - SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD**

4  
5 **SECTION .0100 - GENERAL**

6  
7 **21 NCAC 68 .0101 DEFINITIONS**

8 As used in the General Statutes or this Chapter, the following terms ~~have the following meaning:~~ mean:

- 9 (1) "Applicant" means a person who submits documentation seeking Board status for ~~registration or~~  
10 ~~certification.~~ registration, certification, or licensure.
- 11 (2) "Application packet" means a set of instructions and forms required by the Board for registration.
- 12 (3) "Approved supervisor " means a person who ~~watches~~ monitors and directs the activities of a  
13 substance abuse professional in the role of an applicant supervisor or a practice supervisor as set  
14 out in G.S. 90-113.31A. This is a person who fulfills or is in the process of fulfilling the  
15 requirements for this Board designation of approved supervisor pursuant to Rule .0211 of this  
16 Chapter by completing its academic, ~~didactic~~ didactic, and experiential requirements.
- 17 (4) "Assessment" means identifying and evaluating an individual's strengths, weaknesses, problems,  
18 and needs for the development of a treatment or service plan for a substance use disorder.
- 19 (5) "Clinical application" means the utilization of practice dimensions that include clinical evaluation,  
20 treatment planning, referral, service coordination, counseling, education for the individual client,  
21 family or community, and documentation; as well as the assumption of professional and ethical  
22 responsibilities in the form of clinical supervision as set for the Rule 21 NCAC 68 .0101(7) in a  
23 clinical setting for a minimum of three hundred (300) hours.
- 24 (6) "Clinical setting" means a location where the primary purpose is the delivery of behavioral health  
25 care to clients, patients, and consumers.
- 26 (5)(7) "Clinical ~~supervision~~ supervision" means clinical oversight required for all credentials with a  
27 minimum of 50 percent clinical supervision that shall accrue in person and face-to-face while in  
28 the same ~~room~~ room, whereas the balance of this requirement may be fulfilled electronically via  
29 video, face-to-face, if performed in real time.
- 30 (6)(8) "Clinical supervision specific education" means training that covers the aspects of clinical  
31 supervision of a substance abuse professional or any of the ~~12 core functions~~ Twelve Core  
32 Functions in their clinical application.
- 33 (7)(9) "Client" means an individual who is in receipt of substance abuse counseling.
- 34 (8)(10) "Complainant" means a person who has filed a complaint pursuant to these Rules.
- 35 (9)(11) "Consultation" means a meeting for discussion, decision-making, and planning with other service  
36 providers for the purpose of providing substance abuse services.

- 1       ~~(10)~~(12) "Crisis" means a ~~decisive~~ radical change of status event in the course of treatment related to  
2       alcohol or drug use that threatens to compromise or destroy the rehabilitation effort.
- 3       ~~(11)~~(13) "Deemed status group" means those persons who are credentialed as clinical addictions specialists  
4       because of their membership in a deemed status ~~discipline~~, as defined in G.S. 90-113.31A(15).
- 5       ~~(12)~~(14) "Education" means a service that is designed to inform and teach various groups including clients,  
6       families, schools, businesses, churches, industries, civic, and other community groups about the  
7       nature of substance abuse disorders and about available community resources. It also serves to  
8       improve the social functioning of recipients by increasing awareness of human behavior and  
9       providing alternative cognitive or behavioral responses to life's problems.
- 10      ~~(13)~~(15) "~~Full-time~~" "Full-time" means 2,000 hours per year.
- 11      ~~(14)~~(16) "General professional skill building" means education provided to enhance the general skills of a  
12      substance abuse professional.
- 13      ~~(15)~~(17) "Hearing panel" means members of a committee designated by the chairperson of the committee  
14      to conduct an informal hearing to determine ~~that~~ whether the applicant meets the standards  
15      required to be maintained for or awarded a credential.
- 16      ~~(16)~~(18) "Impairment" means a mental illness, substance abuse or chemical dependency, physical illness,  
17      or aging problem.
- 18      ~~(17)~~(19) "Letter of reference" means a letter that recommends a person for certification.
- 19      ~~(18)~~(20) "Membership in good standing" means a member's certification is not in a state of revocation,  
20      lapse, or suspension. However, an individual whose certification is suspended and the suspension  
21      is stayed is a member in good standing during the period of the stay.
- 22      ~~(19)~~(21) "Passing score" means the score set by and provided by the entity administering the exam.
- 23      ~~(20)~~(22) "Person served" means an individual who is not a client but is in receipt of substance abuse  
24      prevention counseling.
- 25      ~~(21)~~(23) "Personal service" means the ~~actual~~ delivery of a document into the hands of the person to whom  
26      it is addressed.
- 27      ~~(22)~~(24) "President" means the President of the Board.
- 28      ~~(23)~~(25) "Prevention consultation" means a service provided to other mental health, human service, and  
29      community ~~planning/development~~ planning, development organizations organization or to  
30      individual practitioners in other organizations to assist in the development of insights and skills of  
31      the practitioner necessary for ~~prevention~~, prevention of alcohol and drug abuse.
- 32      ~~(24)~~(26) "Prevention performance domains" means areas of professional activities to include:
- 33           (a)     planning and evaluations;
- 34           (b)     education and skill development;
- 35           (c)     community organization;
- 36           (d)     public and organizational policy; and
- 37           (e)     professional growth and responsibility.

- 1       ~~(25)~~(27) "Referral" means identifying the needs of an individual that cannot be met by the counselor or  
 2           agency and assisting the individual in utilizing the support systems and community resources  
 3           ~~available.~~ available to transfer services.
- 4       ~~(26)~~(28) "Rehabilitation" means re-establishing the functioning needed for professional competency.
- 5       ~~(27)~~(29) "Reinstatement" means an action where the Board restores ~~certification or registration~~ registration,  
 6           certification, or licensure to an applicant after the applicant completes the requirements imposed  
 7           by the Board.
- 8       ~~(28)~~(30) "Relapse" means a return to the pattern of substance abuse as well as the process during which  
 9           indicators appear prior to the person's return to the pattern of substance abuse or a re-appearance  
 10          or exacerbation of physical, psychological, or emotional symptoms of impairment.
- 11       ~~(29)~~(31) "Renewal" means an action by the Board granting a substance abuse professional a consecutive  
 12          ~~certification or registration~~ registration, certification, or licensure based upon the completion of  
 13          requirements for renewal as prescribed by statute and the rules of the Board.
- 14       ~~(30)~~(32) "Revival" means an action by the Board granting a substance abuse professional a ~~certification or~~  
 15          ~~registration~~ registration, certification, or licensure following a lapse of ~~certification or registration~~  
 16          registration, certification, or licensure wherein the professional must also meet the requirements  
 17          for renewal.
- 18       ~~(31)~~(33) "Reprimand" means a written warning from the Board to a person making application for  
 19          certification by the Board or certified by the Board.
- 20       ~~(32)~~(34) "Respondent" means a person who is making application for ~~certification~~ registration,  
 21          certification, or licensure by the Board or is ~~certified~~ registered, certified, or licensed by the Board  
 22          against whom a complaint has been filed.
- 23       ~~(33)~~(35) "Sexual activity" or "sexual contact" means:
- 24           (a)       Contact between the penis and the vulva or the penis and the anus;
- 25           (b)       Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the  
 26                  anus; ~~or~~
- 27           (c)       The penetration, however slight, of the anal or genital opening of another by a hand,  
 28                  finger, or any object with an intent to abuse, humiliate, harass, degrade, arouse, or gratify  
 29                  the sexual desire of any ~~person.~~ person;
- 30           (d)       Vaginal intercourse, cunnilingus, fellatio, or anal intercourse, if initiated, agreed to, or not  
 31                  resisted by the substance abuse professional; or
- 32           (e)       Kissing or the intentional touching of the other's lips, genital area, groin, inner thigh,  
 33                  buttocks, breasts, or any other body parts, as well as the clothing covering any of these  
 34                  body parts for the purpose of sexual stimulation or gratification of either the substance  
 35                  abuse professional or the client if initiated or agreed to or not resisted by the substance  
 36                  abuse professional.

1       ~~(34)~~(36) "Substance abuse counseling experience " means approved supervised experience that may be full-  
 2                   time, part-time, paid or voluntary, and ~~must~~ shall include all of the ~~12 core functions~~ Twelve Core  
 3                   Functions (Rule .0204 of this Chapter) as documented by a job description and ~~supervisors~~  
 4                   supervisor's evaluation.

5       ~~(35)~~(37) "Substance abuse prevention consultant experience" means approved supervised experience that  
 6                   may be full-time, part-time, paid or voluntary, and ~~must~~ shall include all of the prevention  
 7                   domains referenced by Rule .0206 of this Chapter and as documented by a job description and  
 8                   supervisor's evaluation.

9       ~~(36)~~(38) "Substance abuse specific" means education focused upon alcohol and other drugs and the  
 10                   substance abusing population and is provided for a substance abuse professional by one whose  
 11                   education and experience is in the field of alcohol and other drugs.

12       ~~(37)~~(39) "Supervised practice" means supervision of the applicant in the knowledge and skills related to  
 13                   substance abuse professionals.

14       ~~(38)~~(40) "Supervisor of record" means the substance abuse professional primarily responsible for providing  
 15                   applicant or practice supervision to a supervisee.

16       ~~(39)~~(41) "Suspension" means a loss of ~~certification~~ registration, certification, or licensure by a substance  
 17                   abuse professional or the privilege of making application for ~~certification~~ registration,  
 18                   certification, or licensure by an applicant for one of these credentials.

19  
 20    *History Note:*     *Authority G.S. 90-113.30; 90-113.31A; 90-113.31B; 90-113.33; 90-113.40; 90-113.41; 90-*  
 21                    *113.41A;*  
 22                    *Amended Eff. August 1, 2015; Eff. August 1, 1996;*  
 23                    *Temporary Amendment Eff. November 15, 1997;*  
 24                    *Amended Eff. August 1, 2015; January 1, 2014; June 1, 2011; April 1, 2011; April 1, 2003;*  
 25                    *August 1, 2002; April 1, 2001; August 1, 2000; August 1, 1998.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Substance Abuse Professional Practice Board

RULE CITATION: 21 NCAC 68 .0227

**DEADLINE FOR RECEIPT: Friday, July 10, 2015**

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

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

*On line 6, does the regulated public know what "IC and RC/AODA, Inc." means? I note that one of the cited statutes in the History Note, G.S. 90-113.39, refers to the full name of the organizations, not the acronyms.*

**§ 90-113.39. Standards for credentials.**

The Board shall establish standards to credential substance abuse professionals. The credentialing standards of the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Incorporated and the standards adopted by professional disciplines granted deemed status or their successor organizations may be used as guidelines for the Board's standards. The Board shall publish these required standards. (1993 (Reg. Sess., 1994), c. 685, s. 1; 1997-492, s. 8; 1999-164, s. 9; 2005-431, s. 1.)

*On line 7, how does one access the platform?*

*In (a)(1), lines 9 and 10, it is "website"*

*Also in (a)(1), what is contained in the application form? Is that set forth in another Rule or statute?*

*In Paragraph (b), line 20, replace "must" with "shall"*

*Also in Paragraph (b), what do you mean "pursuant to Learning Builder"?*

*In Paragraph (c), line 21, what is "LIVESCAN"?*

*On line 22, it is "website" and since it is on line 9, do you feel you need to repeat the url?*

*In the History Note, why are you referring to 90-113.31B?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: June 25, 2015

1 21 NCAC 68 .0227 is adopted as published in 29:19 NCR 2248-2251 as follows:

2 SECTION .0200 - CERTIFICATION

3 21 NCAC 68 .0227 CREDENTIAL BY ENDORSEMENT OR RECIPROCITY BASED ON  
4 MILITARY SERVICE

5 (a) An applicant for a substance abuse credential by endorsement or reciprocity based on military service shall have  
6 his or her training honored automatically pursuant to the standards of the IC and RC/AODA, Inc. The applicant  
7 shall apply for a credential by using the Board’s credentialing software platform, Learning Builder, and submit to  
8 the Board:

9 (1) an application form provided by the Board as found at its web site at; [www.ncsappb.org](http://www.ncsappb.org) and shall  
10 be found accompanying the reciprocity information on the web site;

11 (2) the application fee required by rule applicable to the specific credential as set forth in this  
12 Chapter;

13 (3) written evidence demonstrating that the applicant has been awarded a military occupational  
14 specialty as a substance abuse professional and that the applicant has engaged in practice as a  
15 substance abuse professional for at least 1,500 clinical hours per year during at least two of the  
16 five years preceding the date of application; and

17 (4) a statement disclosing and explaining the commission of any act set out in G.S. 90-113.46A, any  
18 disciplinary actions, investigations, malpractice claims, state or federal agency complaints,  
19 judgments, settlements, or criminal charges.

20 (b) All information required must be received by the Board office as completed pursuant to Learning Builder.

21 (c) All applicants shall submit to the Board a LIVESCAN of the applicant’s fingerprints as described on the Board’s  
22 web site: [www.ncsappb.org](http://www.ncsappb.org).

23  
24 History Note: Authority G.S. 90-113.31A(14); 90-113.31B; 90-113.33; 90-113.38; 90-113.39; 90-113.46; 90-  
25 113.46A; 93B-15.1;  
26 Eff. August 1, 2015.

27  
28

REQUEST FOR TECHNICAL CHANGE

AGENCY: Substance Abuse Professional Practice Board

RULE CITATION: 21 NCAC 68 .0228

**DEADLINE FOR RECEIPT: Friday, July 10, 2015**

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

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

*On line 6, does the regulated public know what "IC and RC/AODA, Inc." means? I note that one of the cited statutes in the History Note, G.S. 90-113.39, refers to the full name of the organizations, not the acronyms.*

*On line 7, how does one access the platform?*

*In (a)(1), lines 8 and 9, it is "website"*

*Also in (a)(1), what is contained in the application form? Is that set forth in another Rule or statute?*

*In Paragraph (b), line 22, replace "must" with "shall"*

*Also in Paragraph (b), what do you mean "pursuant to Learning Builder"?*

*In Paragraph (c), line 23, what is "LIVESCAN"?*

*On line 24, it is "website" and since it is on line 8, do you feel you need to repeat the url?*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: June 25, 2015

1 **21 NCAC 68 .0228** is adopted as published in 29:19 NCR 2248-2251 as follows:

2 **21 NCAC 68 .0228 SUBSTANCE ABUSE CREDENTIAL BY ENDORSEMENT OR RECIPROCITY**  
 3 **BASED ON STATUS AS MILITARY SPOUSE**

4 (a) An applicant for a substance abuse credential by endorsement or reciprocity based on the applicant's status as a  
 5 military spouse shall have his or her training honored automatically pursuant to the standards of the IC and  
 6 RC/AODA, Inc. The applicant shall apply for a credential by using the Board's credentialing software platform,  
 7 Learning Builder, and submit to the Board:

8 (1) an application form provided by the Board as found at its web site at: <http://www.ncsappb.org> and  
 9 shall be found accompanying the reciprocity information on the web site;

10 (2) the application fee required by rule applicable to the specific credential as set forth in this Chapter;

11 (3) written evidence demonstrating that the applicant is married to an active member of the U.S.  
 12 military and that such applicant:

13 (A) holds a current substance abuse credential from another jurisdiction whose standards for  
 14 the credential are substantially equivalent to or greater than those required for the  
 15 credential described in Article 5C, this Chapter, and is the subject of the application; and

16 (B) has engaged in practice as a substance abuse professional demonstrating the scope of  
 17 practice as defined by G.S. 90-113.31B for at least 1,500 hours per year during at least  
 18 two of the five years preceding the date of application; and

19 (4) a statement disclosing and explaining the commission of an act set out in G.S. 90-113.46A, any  
 20 disciplinary actions, investigations, malpractice claims, state or federal agency complaints,  
 21 judgments, settlements, or criminal charges.

22 (b) All information required must be received by the Board office via Learning Builder.

23 (c) All applicants shall submit to the Board a LIVESCAN of the applicant's fingerprints as described on the Board's  
 24 web site: [www.ncsappb.org](http://www.ncsappb.org).

26 *History Note:* Authority G.S. 90-113.31A(14); 90-113.31B; 90-113.33; 90-113.38; 90-113.39; 90-113.46; 90-  
 27 113.46A; 93B-15.1;

28 Eff. August 1, 2015.

29

30