

G.S. 150B-21.3A Report for 21 NCAC Chapter 63, SOCIAL WORK CERTIFICATION

Agency - Social Work Certification

Comment Period - 12/1/2014 through 01/30/2015

Date Submitted to APO - July 20, 2015

Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SECTION .0100-GENERAL	21 NCAC 63 .0102	DEFINITIONS	Amended Eff. October 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest	Agency must readopt
	21 NCAC 63 .0106	ANNUAL REPORTS	Eff. July 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
SECTION .0200 -CERTIFICATION	21 NCAC 63 .0202	APPLICATION PROCESS	Amended Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0203	TRANSCRIPTS	Eff. August 1, 1987	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0204	REFERENCES	Amended Eff. January 1, 2009	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest	Agency must readopt
	21 NCAC 63 .0208	APPLICATION FEE	Amended Eff. August 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0209	ELIGIBILITY	Amended Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0210	ASSOCIATE LICENSES	Amended Eff. October 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0211	WORK EXPERIENCE	Amended Eff. October 1, 2012	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review	Necessary with substantive public interest	Agency must readopt
	21 NCAC 63 .0212	DUPLICATE LICENSES OR CERTIFICATES	Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
21 NCAC 63 .0213	TEMPORARY LICENSES	Amended Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note	
SECTION .0300-EXAMINATIONS	21 NCAC 63 .0301	QUALIFYING EXAMINATIONS	Amended Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0302	REPORTING OF SCORES	Amended Eff. February 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0303	RETAKE OF EXAMINATION	Amended Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0304	CANCELLATION	Amended Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0305	REVIEW OF EXAMINATIONS BY UNSUCCESSFUL APPLICANTS	Amended Eff. September 1, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
21 NCAC 63 .0306	EXAMINATION FEES	Amended Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note	
SECTION .0400 -RENEWAL OF CERTIFICATION	21 NCAC 63 .0401	CONTINUING EDUCATION REQUIREMENTS	Amended Eff. January 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	21 NCAC 63 .0403	RENEWAL FEES	Amended Eff. January 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 63 .0404	REINSTATEMENT	Amendment Eff. August 1, 2012	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0405	REQUIRED REPORTING BY LICENSEE OF CHANGES TO BOARD	Amended Eff. January 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
21 NCAC 63 .0406	MILITARY WAIVER OR EXTENSION OF TIME FOR RENEWAL OF CERTIFICATION OR LICENSURE	Eff. July 1, 2011	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note	

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SECTION .0500 - ETHICAL GUIDELINES	21 NCAC 63 .0501	PURPOSE AND SCOPE	Amended Eff. September 1, 2005	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0503	GENERAL PROFESSIONAL RESPONSIBILITIES	Amended Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0504	RESPONSIBILITIES IN PROFESSIONAL RELATIONSHIPS	Amended Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0505	RELATIONSHIPS WITH COLLEAGUES	Eff. March 1, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest	Agency must readopt
	21 NCAC 63 .0506	REMUNERATION	Amended Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0507	CONFIDENTIALITY AND RECORD KEEPING	Amended Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest	Keep in Code - Update History Note
	21 NCAC 63 .0508	PURSUIT OF RESEARCH AND SCHOLARLY ACTIVITIES	Amended Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 63 .0509	PUBLIC STATEMENTS	Amended Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	SECTION .0600 - DISCIPLINARY PROCEDURES	21 NCAC 63 .0601	FOUNDATIONS FOR DISCIPLINARY PROCEDURES	Amended Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action
21 NCAC 63 .0602		INVESTIGATION	Amended Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
21 NCAC 63 .0603		NOTICE OF CHARGES AND HEARING	Amended Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
21 NCAC 63 .0605		INTERVENTION	Eff. September 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
21 NCAC 63 .0606		SUBPOENAS	Eff. September 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
21 NCAC 63 .0607		CONDUCT OF HEARING	Amended Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
21 NCAC 63 .0608		DECISION OF BOARD	Eff. September 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
21 NCAC 63 .0609		REPORTING OF DISCIPLINARY ACTIONS	Amended Eff. July 1, 2011	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	Social Security Act, Section 1921	No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0700 - ADMINISTRATIVE PROCEDURES		21 NCAC 63 .0701	PETITIONS FOR ADOPTION OF RULES	Amended Eff. January 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action
	21 NCAC 63 .0703	TEMPORARY RULES	Amendment Eff. July 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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	21 NCAC 63 .0704	DECLARATORY RULINGS	Amended Eff. January 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0900 - PROFESSIONAL CORPORATION OR LIMITED LIABILITY COMPANY	21 NCAC 63 .0901	APPLICATIONS FOR A CERTIFICATE OF REGISTRATION	Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 63 .0902	RENEWAL OF CERTIFICATE OF REGISTRATION	Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	21 NCAC 63 .0903	DISOLVING THE PROFESSIONAL ENTITY	Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

TO: NCSWCLB

FROM: DR. PHYLLIS COHEN

I have been an LCSW for over 40 years, and in my own private practice for 24 of those years. All supervisory requirements were met 30 years ago and were part of my LCSW licenses. I no longer have any contact with those people nor would I know how to locate. Therefore, I did not include a supervisor on my application.

Please take into consideration that I've had a long term, substantial social work career, am a seasoned practitioner with a respected client base, whose supervision ended, as appropriate, many years ago.

I am also a Fellow with The American Psychotherapy Association, and an ACSW (Academy of Certified Social Work), Certification by examination.

I hope my application will be of merit, as I look forward to providing my service to clients in North Carolina.

Sincerely,

A handwritten signature in black ink, appearing to be 'Phyllis Cohen', written in a cursive style with a long horizontal flourish extending to the right.

Phyllis Cohen, DSW, LCSW

From: Marianna Chambers [marianna_chambers@yahoo.com]
Sent: Saturday, January 10, 2015 5:36 PM
To: Micki Lilly
Subject: Rules proposal change

Hi Micki,
 Thank you for taking the time to email me. I have included my proposal for a rules change below. Please let me know if I also need to mail a hard copy of the proposal to the board.
 Sincerely,
 Marianna

1. Name and Address of Person Making Request:

Marianna Chambers, MSW, LCSWA
 31 Macara Court
 Angier NC 27501
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2. The proposed text of any requested rule change

§ .0211. Work Experience.

(1) Two years of post-MSW clinical social work experience shall mean 3,000 clock hours of work or employment for a fee or salary while engaged in the practice of clinical social work. The 3,000 hours shall be accumulated over a period of time not less than two years ~~nor more than six years~~. Practicum or internship experience gained as part of any educational program shall not be included.

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A Statement of the Effect of the Requested Change

With the proposed change, associate licensees will be able to take as much time as they need to accumulate 3,000 hours of clock work. The renewal process would remain the same. Thus, associate licensees would still need to meet existing license renewal requirements every two years.

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The Reason for its Proposal

The current NC Administrative Code requires that an associate licensee complete all requirements for full licensure within three renewal cycles, or a total of six years. I have been informed by the board that there is currently no provision in place to protect the rights of pregnant women or other individuals who may have extenuating circumstances that would inhibit the associate licensee from completing the requirements for full licensure within six years. I believe that it is the Board's ethical responsibility to make allowances for individuals impacted by extenuating circumstances.

Examples:

An LCSWA has 2990 hours of clinical practice within 5.5 years. Unfortunately, the LCSWA gets into a car accident and misses 6 months of work due to being in physical rehabilitation to regain his mobility. Since he is unable to work during his time in the hospital, his six years have now expired and he is unable to get his full license. Although he had 2990 hours before the accident, he will now have to start completely over because he missed the mandatory six year time window.

An LCSWA is on track to complete her 3000 clinical practice hours within the six year time limit, but she works part time and cannot accrue hours at the typical rate. She is pregnant and has to miss 10 weeks of work due to giving birth. Because of the missed work, she now does not have enough hours to complete the full licensure requirement within the six years. She must now start completely over accruing work hours.

An LCSWA has 2900 hours of clinical practice within 5 years. He is also a member of the Army National Guard. He received the news that he is deploying to serve a one year tour overseas. He cannot accrue any hours while he is deployed and serving our country. Because of the board's time limit, he will lose all 2900 hours of clinical practice when he returns home, and must start over.

An LCSWA has 2000 hours of clinical practice within 4 years. She is laid off from her job when her company dissolves and cannot find clinical work for the next two years. Under the current rules, she would have to completely start over and would lose the 2000 hours she has already earned.

Under the Board's current regulations, there is no protection for these individuals. Their years of hard work accumulating hours is all for naught.

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5. Data Supporting the Proposed Rule

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Many states in the U.S. do not put a time limit on LCSWA licensees at all. For example, Alabama, Arkansas, Florida, Indiana, Kentucky, and Louisiana are just

some of the states that allow licensees an unlimited amount of time to earn their full licenses.

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The NC Social Work code of Ethics states in 6.04d, "Social workers should act to prevent and eliminate domination of, exploitation of, and discrimination against any person, group, or class on the basis of race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, immigration status, or mental or physical disability."

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The NC Social Work code of Ethics also states under Ethical Principles, “Social workers pursue social change, particularly with and on behalf of vulnerable and oppressed individuals and groups of people. Social workers’ social change efforts are focused primarily on issues of poverty, unemployment, discrimination, and other forms of social injustice. These activities seek to promote sensitivity to and knowledge about oppression and cultural and ethnic diversity. Social workers strive to ensure access to needed information, services, and resources; equality of opportunity; and meaningful participation in decision making for all people.”

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The Family and Medical Leave Act of 1993 (Public Law 103-3) was enacted to “grant family and temporary medical leave under certain circumstances.”

Including:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee’s spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty;” **or**
 - § Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember’s spouse, son, daughter, parent, or next of kin (military caregiver leave).

“The FMLA recognizes childbirth and recovery from childbirth as a "serious health condition." The legislative history (Senate Report No. 103-3, January 27, 1993) lists "...ongoing pregnancy, miscarriages, complications or illnesses related to pregnancy, such as severe morning sickness, the need for prenatal care, childbirth and recovery from childbirth" as examples of "serious health conditions" under this Act. The legislative history also cites the legislative history of the Pregnancy Discrimination Act (PDA) which "established that the medical recovery period for a normal childbirth is 4 to 8 weeks, with a longer period where surgery is necessary or other complications develop."

Title VII of the Civil Rights Act of 1964, as amended by the PDA, also supports this ruling.

6. Practice likely to be affected by the proposed rule.

None.

7. Persons likely to be affected by the proposed rule.

This proposed rule would benefit any LCSWA who needs additional time to complete the requirements for full licensure as a result of not being able to work/practice social work due to extenuating circumstances, such as, the birth or adoption of a child, a health condition, military deployment, loss of employment, or other family or personal issue.

From: Micki Lilly <mwboard@asheboro.com>
To: marianna_chambers@yahoo.com
Cc: 'NC Social Work Board' <swboard@asheboro.com>
Sent: Wednesday, December 10, 2014 9:50 AM
Subject: RE: questions about changing supervisors and rule changes

Ms. Chambers,

Your email has been forwarded to me as you wish to comment on the Board's rules.

I will provide clarification about the public comment period but also address your question related to changing supervisors.

Regarding the supervision change: From the dropdown menu under the LCSW Associate tab on our website, you will find an option titled "LCSWA FAQs" from which the following was cut and pasted here:

Q. If I change employers or supervisor during the six month review period what do I need to do?

A. Notify the Board immediately of any change in contact information (name, address, place of employment, business and home phone). You may download a Name and/or Address Change Form from the Board's website at <http://www.ncswboard.org/>.

- For a change in employment, you must submit an updated Employment Verification form and an updated Emergency Crisis Plan.
- A separate Six-Month Review document must be submitted for each place of employment worked during the review period. A comprehensive case narrative for each place of employment must also be prepared, reviewed and signed by you and your supervisor and maintained in the supervisor's files to be provided upon request from the Board.
- For a change in supervisor, submit an updated Position Statement on Clinical Supervision and an updated Emergency Crisis Plan with the new supervisor's information and signature.
- A separate Six-Month Review document must be completed by each supervisor that provided you clinical supervision during the review period.

Regarding your request to comment on the Board's rules:

The Board is currently undergoing a review of all of our rules. Information about the current process underway is also posted on our website and in the current edition of the newsletter, *UPDATE*, which was recently published and also available on the website (reference page 2).

At this time, the Board's rules are going through an initial review to determine

- which rules are obsolete (unnecessary) and need to be removed,
- which rules will automatically stay in the code "as is" (necessary without substantive public interest), and
- which rules require "re-adoption" (necessary with substantive public interest).

This first step in the process requires that the Board received written comments and does not require a public hearing so there is not an opportunity to come address the Board.

The next step for those rules for which we receive comment objecting to all or a portion of the rule will require re-adoption. This second step requires those specific rules be published once again for another round of public comment. This step also involves the Board considering amendments to the rule(s) based on those comments. The second step does provide for a public hearing to receive comments although **ALL comments must be received in writing.**

Please refer to the website posting under *News/Alerts* (Quick Links section on the home page) for information on how to submit a written comment.

Thank you for your interest and I look forward to receiving your comment(s).

Respectfully,

Micki Lilly, MSHE
Executive Director
NC Social Work Certification and Licensure Board
336-625-1679

*****Note:** The information contained in this message and any attachments may be privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the Sender immediately by replying to this message and destroying all copies of this communication and any attachments.

From: NC Social Work Board [<mailto:swboard@asheboro.com>]
Sent: Wednesday, December 10, 2014 9:19 AM
To: mwboard@asheboro.com
Subject: FW: questions about changing supervisors and rule changes

From: Marianna Chambers [mailto:marianna_chambers@yahoo.com]
Sent: Tuesday, December 09, 2014 6:11 PM
To: NC Social Work Board
Subject: questions about changing supervisors and rule changes

Hi, I'm writing to inquire about changing clinical supervisors.

I have conducted an exhaustive search on the board's website and have been unable to find any details about this or any paperwork that needs to be filled out. Can you please guide me on the process?

Also, I read on the board's website that proposed rule changes are reviewed annually. When is the next deadline for me to submit a rule change proposal? When will the next proposals be considered by the board? Am I allowed to propose my rule change in person?

Thanks,
Marianna