

21 NCAC 68 .0101 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0101 DEFINITIONS

As used in the General Statutes or this Chapter, the following terms mean:

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

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

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

(36) (35) (33) "Substance ~~abuse~~ use disorder counseling experience " means approved supervised experience that may be full-time, part-time, paid or voluntary, and shall include all of the ~~Twelve Core Functions~~ core functions of addiction counseling as set forth in Rule .0204 of this Chapter as documented by a job description and a supervisor's evaluation.

(37) (36) (34) "Substance ~~abuse~~ use disorder prevention consultant experience" means approved supervised experience that may be full-time, part-time, ~~paid~~ paid, or voluntary, and shall include ~~all of the~~ prevention domains referenced by Rule .0206 of this Chapter and as documented by a job description and supervisor's evaluation.

(38) (37) (35) "Substance ~~abuse~~ use disorder specific" means education focused upon alcohol and other drugs and the substance ~~abusing~~ using population and is provided for a substance ~~abuse-use disorder~~ professional by an individual whose education and experience is in the field of alcohol and other drugs.

(39) (38) (36) "Supervised practice" means supervision of the applicant in the knowledge and skills related to substance ~~abuse-use disorder~~ professionals.

(40) (39) (37) "Supervisor of record" means the substance ~~abuse~~ use disorder professional primarily responsible for providing applicant or practice supervision to a supervisee.

(41) (40) (38) "Suspension" means a loss of registration, certification, or licensure by a substance ~~abuse~~ use disorder professional or the privilege of making application for registration, certification, or licensure by an applicant for one of these credentials.

History Note: Authority G.S. 90-113.30; 90-113.31A; 90-113.31B; 90-113.33; 90-113.40; 90-113.41; 90-113.41A;
Eff. August 1, 1996;
Temporary Amendment Eff. November 15, 1997;
Amended Eff. August 1, 2015; January 1, 2014; June 1, 2011; April 1, 2011; April 1, 2003; August 1, 2002; April 1, 2001; August 1, 2000; ~~August 1, 1998; August 1, 1998;~~
Readopted Eff. October 1, 2020.

21 NCAC 68 .0201 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0201 APPLICATION FOR REGISTRATION

(a) Applications, inquiries inquires, and forms shall be obtained from the Board's website, www.ncsappb.org and ~~returned submitted~~ to the ~~Board~~. Board for review and approval.

(b) To obtain an application packet, the applicant shall ~~submit a check or money order for pay~~ a non-refundable fee in the amount of twenty-five dollars (\$25.00) ~~and a letter of intent stating the credential sought by the applicant.~~ through the Board's application found on the [website, www.ncsappb.org.] website.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.39; 90-113.40;

Eff. August 1, 1996;

Amended Eff. ~~August 1, 2002.~~ August 1, 2002.:

Readopted Eff. October 1, 2020.

21 NCAC 68 .0202 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0202 REGISTRATION PROCESS FOR BOARD CREDENTIAL

~~(a) Individuals shall register with the Board prior to providing professional services. This allows the Board to review the applicant's materials including education, training, experience and supervision contracts and provide the applicant with an understanding of his or her standing in the credentialing process.~~

~~(b)~~ **(a)** To register, the applicant shall ~~send~~ submit the following to the Board:

- (1) Completed ~~registration form~~ application provided by the Board;
- (2) Documentation of the degree required for a credential;
- (3) A signed supervision ~~contract on a form~~ agreement provided by the Board documenting the proposed supervision process by an applicant supervisor;
- (4) ~~A signed form attesting to the applicant's promise to adhere~~ An attestation or otherwise signed adherence by the applicant to the ethical standards of the Board;
- (5) Documentation of three hours of educational training in ethics;
- (6) Completed criminal history record ~~check~~;
- (7) Job description evidencing applicant is practicing under the scope of practice for the credential sought;
- (8) Current resume;
- (9) Completed special needs statement revealing special testing needs on a form provided by the Board if applicable; and
- (10) ~~A check or money order~~ Payment in the amount as set in Rule .0205 that is non-refundable and made payable to the Board.

~~(e)~~ **(b)** Once the materials are determined by the Board to be in order the applicant shall be granted registration status.

~~(d)~~ **(c)** Registration with the Board shall be for a period as set out in G.S. 90-113.40A.

~~(e)~~ **(d)** An applicant shall become a Registrant upon receipt of ~~written~~ notification from the Board.

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.39; 90-113.40; 90-113.40A; 90-113.46A;
Eff. August 1, 1996;
Amended Eff. January 1, 2010; April 1, 2003; ~~August 1, 2002~~; August 1, 2002;
Readopted Eff. October 1, 2020.*

21 NCAC 68 .0204 is readopted with changes as published in 34:24 NCR 2384 as follows:

**21 NCAC 68 .0204 SUPERVISED PRACTICUM FOR CERTIFIED ~~SUBSTANCE ABUSE~~
COUNSELOR ALCOHOL AND DRUG COUNSELOR AND LICENSED
CLINICAL ADDICTIONS SPECIALIST**

(a) All applicants for the certified ~~substance abuse~~ alcohol and drug counselor or the clinical addictions specialist credential shall complete a 300 hour practicum supervised by an applicant supervisor and the practicum shall cover all core functions of counseling, addictions counseling as set forth by the International Certification and Reciprocity Consortium which is hereby incorporated by reference and available in the Candidate Guides including subsequent amendments or additions at internationalcredentialing.org. Verification of at least ten hours of this practicum shall be made in each of the core functions of this Rule. These 120 hours of the ~~The~~ practicum shall be divided into supervised at a ratio of one hour of supervision for every 10 hours of practice in each one of the 12 core functions. practice. These core functions are:

- ~~(1) Screening to determine a client is appropriate and eligible for admission to a particular program;~~
- ~~(2) Intake to provide the administrative and initial assessment procedures for admission to a program;~~
- ~~(3) Orientation of the client to the general nature and goals of the program, rules governing client conduct, notice of the hours during which services are available, treatment costs to be borne by the client, if any, and client's rights;~~
- ~~(4) An assessment to identify and evaluate for the purpose of the development of a treatment plan an individual's strengths, weaknesses, problems and needs;~~
- ~~(5) The treatment planning process whereby the counselor and client identify and rank problems needing resolution, establish agreed upon immediate and long term goals, and decide on a treatment process and the resources to be utilized;~~
- ~~(6) Counseling to assist individuals, families, or groups in achieving goals through exploration of a problem and its ramifications, examination of attitudes and feelings, consideration of alternative solutions, and making decisions;~~
- ~~(7) Case management activities which bring services, agencies, resources or people together within a planned framework of action toward the achievement of established goals;~~
- ~~(8) Providing those crisis intervention services which respond to an alcohol or other drug abuser's needs during acute emotional and physical distress;~~
- ~~(9) Provision of client education information to individuals and groups describing alcohol and other drug abuse and the available services and resources;~~
- ~~(10) Referring the client whose needs cannot be met by the counselor or agency to other support systems and community resources available;~~
- ~~(11) Charting the results of the assessment and treatment plan while writing reports, progress notes, discharge summaries and other client related data necessary for the compilation of necessary reports and recordkeeping; and~~

1 ~~(12) — Consultation with substance abuse and other professionals to assure comprehensive, quality care for~~
2 ~~the client.~~

3 (b) The remaining 180 hours of this practicum shall be in any of the core function areas.

4 (c) Upon completion of the 300 hours, the supervisor shall complete an evaluation ~~form~~ reviewing the certified
5 ~~substance abuse~~ alcohol and drug counselor counselor's or clinical addictions specialist professional professional's
6 development and provide it to the Board, documenting the 300 hours of practice, including 30 hours of supervision
7 ~~on a form provided by the Board.~~ [supervision.] practice.

8 (d) Pursuant to G.S. 90-113.40(a)(7), the practicum may be completed as part of an academic course of study in a
9 regionally accredited college or university or it may be developed in the work setting as long as it is supervised by an
10 applicant supervisor.

11 (e) Pursuant to G.S. 90-113.40(c)(1), the 300 hours of practical training provided by an applicant supervisor shall be
12 completed as part of the required two years postgraduate supervised ~~substance abuse~~ clinical addictions counseling
13 experience.

14
15 *History Note:* *Authority G.S. 90-113.30; 90-113.31; 90-113.33; 90-113.34; 90-113.39; 90-113.40;*
16 *Eff. August 1, 1996;*

17 *Amended Eff. June 1, 2011; April 1, 2011; January 1, 2010; ~~August 1, 2002.~~ August 1, 2002;*

18 *Readopted Eff. October 1, 2020.*

21 NCAC 68 .0209 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0209 RECIPROCITY

(a) If a counselor, prevention consultant, clinical supervisor, or clinical addictions specialist holds a credential issued by ~~an a~~ IC&RC/AODA, Inc. ~~[IC&RC]~~ member board or a successor organization of the International Certification and Reciprocity Consortium (IC&RC) as a certified ~~substance abuse counselor (to include alcohol and other drugs),~~ alcohol and drug counselor, certified prevention consultant, certified clinical supervisor or ~~credentialed~~ licensed clinical addictions specialist, the person may transfer this credential to North Carolina by applying a transfer fee ~~as assessed by the IC&RC/AODA, Inc.~~ paid to the IC&RC or its successor organization.

(b) The reciprocal credential effective date shall remain the same as in the previous state.

(c) At the time when re-credentialing is required, it will be the individual's responsibility to submit an application for re-credentialing. For the period of the first re-credentialing in North Carolina, the Board shall accept the member's former state re-credentialing requirements for the purpose of reciprocal re-credentialing. At the end of this re-credentialing period, it shall be the individual's responsibility to conform to the re-credentialing requirements of North Carolina in effect at the time of re-credentialing.

(d) In the event that the individual's IC&RC member board does not administer the same [level] IC&RC exam required for reciprocal certification or licensing in North Carolina, the applicant shall be required to complete and pass the exam required by the Rules of this Chapter and the North Carolina General [Statute:] Statute 90-113.41.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.36; 90-113.37A;

Eff. August 1, 1996;

Amended Eff. January 1, 2014; ~~August 1, 2000.~~ August 1, 2000;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0214 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0214 COLLEGE AND UNIVERSITY SUBSTANCE ABUSE USE DISORDER
SPECIALTY CURRICULA

(a) ~~The standards committee shall be notified by a school~~ A college or university program shall notify the Board of its intent to provide a substance ~~abuse~~ use disorder specialty ~~curricula~~ curricula. Persons completing master's level substance use disorder specialty curricula shall be considered "Criteria C" applicants as defined in G.S. 90-113.40 (c)(3).

(b) Upon notification of the school's intent to provide a substance ~~abuse~~ use disorder specialty curriculum, the Board shall inform the school that the following information shall be needed from the applicant school:

(1) ~~Curricula~~ curricula description including number of hours of substance ~~abuse~~ use disorder specific credits; ~~[credits. No more than 50% of educational hours may be obtained in an online asynchronous format.]~~ credits:

(2) ~~Information~~ information as to how the educational requirements for substance ~~abuse~~ use disorder specialty shall be met within the curricula pursuant to G.S. 90-113.41A(a)(2) a.-k.;

(3) ~~The names~~ names and resume of any faculty who shall be teaching the substance ~~abuse~~ use disorder curricula;

(4) ~~The name~~ name of the school or college in which the substance ~~abuse~~ use disorder curricula shall be housed and organizational contact information; and

(5) ~~Specific~~ specific guidelines and information on the field experience that shall be required of students including current substance ~~abuse~~ use disorder specific field placements and supervision. A clinical supervisor intern or certified clinical supervisor shall supervise the students enrolled in the substance use disorder specialty curricula described in [this Section pursuant to 21 NCAC 68 .0204.] Rule .0204 of this Section.

(c) ~~The standards committee~~ Standards Committee shall review curricula to determine if the proposal meets educational, hour, substance ~~abuse~~ use disorder specific and supervised experience qualifications.

(d) ~~The curricula review subcommittee of the standards committee~~ Standards Committee shall present recommendations to the Board.

(e) The Board shall notify the school of the status of its request and any recommendation.

(f) The curricula shall be submitted for review every three years. ~~Application for extension of the curricula shall be made 90 days prior to the current expiration date.~~ A previously approved substance use disorder specialty curricula school may forgo review by notifying the Board that there have been no [substantive] changes to the course content of the approved curricula.

(g) ~~Individuals applying who have completed a curriculum from a school meeting the criteria set forth in Subparagraphs (b)(1) through (b)(5) of this Rule shall submit an official masters or more advanced degree transcript from the university or college.~~

1 *History Note:* *Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40;*
2 *Eff. August 1, 2002;*
3 *Amended Eff. April 1, 2011; ~~January 1, 2010.~~ January 1, 2010.*
4 *Readopted Eff. October 1, 2020.*

21 NCAC 68 .0215 is repealed with changes as published in 34:24 NCR 2384 as follows:

~~21 NCAC 68 .0215~~ — ~~VERIFICATION~~

~~(a) Application for verification of credential shall be made to the Board.~~

~~(b) A request for verification shall be made in writing and submitted with a check or money order in the amount of twenty-five dollars (\$25.00).~~

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.40;

Eff. August 1, 2002;

Amended Eff. January 1, 2010.

Repealed Eff. October 1, 2020.

21 NCAC 68 .0220 is readopted as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0220 NOTICE TO APPLICANT OF FAILURE TO SATISFY BOARD

~~Whenever~~ When the Board has determined that an application is deficient, the Board shall notify the applicant of its decision and indicate in what respect the applicant has failed to satisfy the Board. The applicant may inquire with the Board if more information is needed to clarify the nature of the deficiency.

History Note: Authority G.S. 90-113.33; 90-113.39; 90-113.40;

Eff. April 1, 2001;

Amended Eff. ~~January 1, 2010.~~ January 1, 2010;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0221 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0221 APPLICANT HEARING

Upon denial, ~~suspension~~ suspension, or revocation of a credential, an applicant may request a hearing upon submission of a written statement detailing the reason for the request. The applicant shall be given a formal hearing before the Board. Notice of the time and place of the public hearing shall be provided to the applicant. The burden of satisfying the Board of the applicant's qualifications for a credential shall be upon the applicant. ~~Following the hearing, the Board shall determine whether he or she is qualified to be examined or is entitled to be credentialed, whichever is the next appropriate step in the process.~~

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40;
 Eff. April 1, 2001;
 Amended Eff. ~~January 1, 2010.~~ January 1, 2010.
 Readopted Eff. October 1, 2020.*

21 NCAC 68 .0222 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0222 ETHICS AND QUALITY ASSURANCE INQUIRY

(a) Information that is the basis for an inquiry into the issue of whether the applicant meets the ethical standards of the Board may be referred to the Chairperson of the ~~Standards- Quality Assurance~~ Committee for review and further investigation. The Chairperson may pursue the investigation of this matter pursuant to the procedures used to investigate ethics ~~complaints.~~ complaints as defined in Rule .0603 of this Section.

(b) Information that is the basis for an inquiry into the issue of whether the credentialed professional meets the ethical standards of the Board ~~may~~ shall be referred to the Chairperson of the Ethics Committee for review and further investigation. The Chairperson ~~may~~ shall pursue the investigation of this matter pursuant to the procedures used to investigate ethics ~~complaints.~~ complaints as defined in Rule .0603 of this Section.

History Note: *Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40; 90-113.44;*
Eff. April 1, 2001;
Amended Eff. ~~January 1, 2010.~~ January 1, 2010;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0223 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0223 STANDARDS AND QUALITY ASSURANCE COMMITTEE ACTION ACTIONS

~~(a) The Standards~~ The Quality Assurance Committee ~~may~~ **shall** take any of the following actions:

- (1) ~~Review~~ **review** applications for credentialing and ~~re-credentialing; re-credentialing; and~~
- (2) ~~Recommend~~ **recommend** or deny candidates for credentialing and ~~re-credentialing; re-credentialing.~~
- (3) ~~Review curricula requirements for Board approved training events;~~
- (4) ~~Review curricula requirements for Board approval of college or university courses; and~~
- (5) ~~Investigate complaints of illegal practice.~~

~~(b) The Standards Committee~~ ~~[may]~~ **shall** take any of the following actions:

- (1) ~~[Review]~~ **review** curricula requirements for Board approved training events;
- (2) ~~[Review]~~ **review** curricula requirements for Board approval of college or university courses; and
- (3) ~~[Recommend]~~ **recommend** changes to curricula to reflect best practices and current trends in substance use disorder treatment and prevention.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40;

Eff. April 1, 2001;

Amended Eff. ~~January 1, 2010.~~ January 1, 2010;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0224 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0224 CREDENTIALING STATUS DENIED IF SERVING SENTENCE

An individual making application for a credential who is serving any part of a court-ordered sentence, including community service, supervised or unsupervised probation, or making restitution, shall be ~~removed~~ administratively removed from the credentialing ~~process~~ process for additional review. If any person is serving or begins serving such sentence during the course of the credentialing process, this person shall notify the Board. If a driver license revocation or suspension period results from a conviction for a DWI offense or refusal to submit to breathalyzer or blood testing, this period shall not be considered an aspect of an applicant's sentence required to be completed prior to the awarding of a credential.

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40; 90-113.44;
Eff. April 1, 2001;
Amended Eff. ~~January 1, 2010~~ January 1, 2010;
Readopted Eff. October 1, 2020.*

21 NCAC 68 .0225 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0225 SUSPENSION OF AUTHORITY AND ESCROW OF FUNDS

~~The Board shall file the annual reports set forth in G.S. 93B-2 no later than October 31 of each year.~~ In the event the Board fails to file the reports as required by G.S. 93B-2 and the Board's authority to expend any funds is suspended until such time as the Board files the required reports, the Board shall deposit any fees or funds received during the period of suspension into an escrow account established by the Board solely for this purpose.

History Note: Authority G.S. 90-113.30; 90-113.33; 93B-2;

Eff. ~~April 1, 2011.~~ April 1, 2011;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0226 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0226 ARMED SERVICES EXTENSION FOR CREDENTIAL

Upon receipt of a written request by or on behalf of a credentialed substance ~~abuse~~ use disorder professional who is currently in good standing with the Board, is serving in the ~~armed forces~~ Armed Forces of the United States, and to whom ~~G.S. 105-249~~ G.S. 105-249.2 authorizes an extension of time to file a tax return, the Board shall postpone renewal fees, renewal application deadlines, continuing education ~~requirements~~ requirements, and any other requirements or conditions related to the maintenance of the credential issued by the Board or to the renewal thereof for the same period of time as the extended period of time to file a tax return that is granted pursuant to G.S. 93B-15.

History Note: Authority G.S. 90-113.30; 90-113.33; 93B-15;
Eff. April 1, 2011;
Amended Eff. ~~June 1, 2011~~, June 1, 2011;
Readopted Eff. October 1, 2020.

1 21 NCAC 68 .0301 is readopted with changes as published in 34:24 NCR 2384 as follows:

2
3 **21 NCAC 68 .0301 SCOPE**

4 The rules in this Section apply to a person seeking licensure as a clinical addictions specialist and a credentialing body
5 of a professional discipline seeking deemed status.

6
7 *History Note: Authority ~~G.S. 113.39;~~ G.S. 90-113.30; 90-113.33; 90-113.36; 90-113.40; 90-113.41A;*

8 *Temporary Adoption Eff. November 15, 1997;*

9 *Eff. August 1, 1998;*

10 *Amended Eff. ~~January 1, 2014.~~ January 1, 2014;*

11 *Readopted Eff. October 1, 2020.*

21 NCAC 68 .0303 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0303 APPLICATION FOR DEEMED STATUS BY PROFESSIONAL DISCIPLINE

(a) Any credentialing body of a professional discipline seeking deemed status shall forward to the board a letter of intent with a request ~~for an application~~ to become a deemed status organization.

(b) The credentialing body shall provide the following:

(1) ~~Documentation~~ documentation that it meets the requirements of G.S. 90-113.41A;

(2) ~~A~~ a copy of the ethical code and statement, if any, it requires its members to sign indicating that the member will comply with the discipline's code of ethics and any substantiating data that supports the ethical process of the professional discipline;

(3) ~~If~~ if an examination is required by the credentialing body, documentation describing the exam process each applicant ~~must~~ shall pass in order to be awarded the professional group's substance ~~abuse~~ use disorder specialty credential. If the examination for the specialty is not administered by the professional group, the applicant shall pass the Board's exam for licensure.

(c) A professional discipline granted deemed status shall provide the name of any member whose credential is revoked, ~~suspended~~ suspended, or denied within 60 days from the date of action.

(d) The professional discipline, to the extent allowed by its governing ~~law~~ law, shall provide any information requested by the Board that has been submitted to the professional discipline regarding the complaint against its member, subsequent to the disposition of the complaint.

(e) If no information has been received by the Board within six months, or the Board is not satisfied with the disposition of the complaint, the Board may initiate its own ethics investigation and may impose disciplinary action.

History Note: Authority G.S.; 90-113.33; 90-113.41; 90-113.41A;

Temporary Adoption Eff. November 15, 1997;

Eff. August 1, 1998;

Amended Eff. ~~January 1, 2014.~~ January 1, 2014;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0304 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0304 THREE-YEAR STANDARDS REVIEW OF DEEMED STATUS STANDING

(a) The **Board Standards Committee** shall review the standards of each professional discipline every third year as required in G.S. 90-113.41A.

(b) The **Board Standards Committee** shall send notice to the **professional** discipline 90 days in advance of the end of the three-year period following the date deemed status was granted or renewed.

(c) The **professional** discipline shall report current standards, including an update of all information originally ~~required.~~ provided to meet the requirements of Rule .0303 of this Section.

(d) The **Board Standards Committee** may ~~require~~ request further substantiation and explanation of ~~this data.~~ the information provided by the professional discipline if the Committee's review determines it no longer meets the requirements set forth in G.S. 90-113.41A.

*History Note: Authority G.S. 90-113.33; 90-113.41A;
 Temporary Adoption Eff. November 15, 1997;
 Eff. January 1, 2014; August 1, 1998;
 Amended Eff. ~~January 1, 2014.~~ January 1, 2014;
 Readopted Eff. October 1, 2020.*

21 NCAC 68 .0307 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0307 REVOCATION OF CREDENTIAL WHEN CHANGE IN STATUS

(a) Any clinical addictions specialist credentialed pursuant to deemed status who is no longer a member in good standing of ~~his or her~~ their professional discipline may be subject to revocation of the ~~credential~~. following an investigation by the Ethics Committee of the Board.

(b) Any clinical addictions specialist who is credentialed pursuant to the deemed status criteria may lose this credential if the professional discipline loses its deemed status standing.

~~(c) Any clinical addictions specialist whose certification is obtained pursuant to the deemed status criteria and whose certification may be revoked or is revoked as a result of loss of membership in good standing with the professional discipline or loss by the professional discipline of its deemed status standing, may apply for certification pursuant to G.S. 90-113.40(e)(1), (2), or (3) or S.L. 1997, c. 492, 17 or 18. This individual shall submit a completed application for certification within 60 days from the date notice of loss of the individual's membership or notice of the loss of deemed status by the professional group is received by the member of the professional discipline.~~

History Note: Authority G.S. 90-113.30; 90-113.40; 90-113.41; 90-113.41A; ~~S.L. 1997, c. 492, s. 17; S.L. 1997, c. 492, s. 18;~~

Temporary Adoption Eff. November 15, 1997;

Eff. ~~August 1, 1998.~~ August 1, 1998;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0401 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0401 EDUCATION APPROVAL POLICY

~~(a) The Certification Board shall approve educational events for professional certification or certification renewal. One certified hour is defined as one contact hour of participation in an organized education experience under sponsorship approved in accordance with these rules.~~

~~(b) The Certification Board shall review and approve all education used to meet the certification requirements.~~

~~(c) Approval may be requested by an individual applicant or by a sponsor or presenter. If the sponsor does not obtain credit from the Certification Board, the individual participants shall be responsible for supplying all of the required information for each session at the time of request for certification, recertification, or conversion. The Standards and Credentials Committee shall review requests once monthly.~~

~~(d) To insure a determination of a request prior to the date of presentation, sponsors, presenters, or individuals shall submit requests 45 days prior to opening day of the event.~~

(a) The Board shall approve educational events for professional credentialing. One **certified hour** **"approved educational hour"** is defined as one contact hour of participation in an organized continuing education experience. Continuing education used to meet the credentialing requirements shall be reviewed and approved according to **[these Rules.] the rules of this Section.** If the sponsor does not obtain approval from the Board, the individual participants shall be responsible for supplying all of the required information for each continuing education session at the time of request for credentialing or re-credentialing. Submission of approval requests shall be received 45 days prior to opening day of the event.

(b) Any applicant for training approval shall submit a training approval request form including:

(1) **[Title] title** of course, date, location, individual or organization sponsor, **and** whether it will be held only once or recurring.

(2) **[Presenter(s)] presenter(s)** who shall attach a resume outlining expertise in the subject area and content of the session.

(3) **[A] a** description of the contents of a track, course, seminar, and the type of credit hours being requested to indicate if it is substance **[abuse] use disorder** specific, general skill building, or required training pursuant to other specialized credentials including Criminal Justice Addictions Professionals, Clinical Supervisors, **[Residential Facility Directors,]** or Prevention **[Consultants,]** **Specialists.**

(4) **[Agenda,] agenda,** to include the breakdown of time including a 15 minute break for every two hours of education and amount of time allowed for **[meals,] meals; and**

(5) **[The] the** sponsor or individual seeking approval shall pay an annual fee as follows:

(A) \$25.00 for up to 10 hours;

(B) \$50.00 for more than 10 hours and up to 20 hours;

(C) \$75.00 for more than 20 hours and up to 30 hours;

(D) \$100.00 for more than 30 hours and up to 40 hours;

1 (E) \$125.00 for more than 40 hours.

2 (c) Training approved by ~~IC&RC/AODA, Inc. or~~ IC&RC and its ~~successor organization~~ member boards and
3 organizations granted deemed status shall be accepted with documentation of completion.

4 (d) In-service training shall meet the same requirements as set out in Paragraphs (b) and (c) of this Rule. However,
5 if persons who are non-employees of the sponsoring and presenting agency are invited to participate, then it is not
6 considered in-service and Board pre-approval shall be required. The presenting agency or organization may contract
7 with outside trainers to present to their employees and this shall be considered in-service training.

8 (e) Presenters shall be given one hour of credit for every one hour presented. However, if the original presentation is
9 repeated, hours can only be credited for the original presentation.

10 (f) The Board may revise or rescind credit hours if information is received documenting that a previously approved
11 event was not presented as it was approved.

12 (g) In accordance with G.S. 90-113.40(a)(6), the Board shall only grant education hours for college courses in the
13 subject areas of human services, counseling, mental health, and addictions. The Board ~~may~~ shall grant ~~fifteen (15)~~
14 ~~15~~ ~~clock~~ contact hours of education for each college or university semester credit; the standard 3 credit semester
15 course ~~may~~ shall be equal to forty-five (45) ~~clock~~ contact hours of education.

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18 History Note: Authority G.S. 90-113.30; ~~90-113.37~~; 90-113.40;

19 Eff. ~~August 1, 1996~~; August 1, 1996;

20 Readopted Eff. October 1, 2020.

21 NCAC 68 .0402 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0402 GENERAL TRAINING PRE-APPROVAL GUIDELINES

(a) The guidelines set forth in this section the Rules of this Section shall apply to each approval request for obtaining credit for didactic and academic hours for course, curricula, and training ~~events held January 1, 1987 or thereafter.~~
events seeking pre-approval from the Board for professionals to use to meet their educational requirements for initial credentialing or renewal.

~~(b) The following information and standards shall be required:~~

- ~~(1) Title of course, date, location, sponsor (individual or organization), and whether it shall be held only once or periodically;~~
- ~~(2) The name of the presenter(s) and a resume outlining his or her expertise in the subject area and content of the session;~~
- ~~(3) A sufficient description of the contents of a track, course, seminar, or other unit of academic pursuit and the type of credit hours being requested to indicate if it is substance abuse specific or general skill building;~~
- ~~(4) An agenda reflecting the breakdown of time including a 15 minute break for every two hours of education and amount of time allowed for meals;~~
- ~~(5) Each application for training approval may include a copy of the objective evaluation tool to be used;~~
- ~~(6) The summary of evaluations may be submitted to the Board within 45 days following the program date(s).~~

~~(e) (b) The Certification Board shall have the right to review programs by sending a Certification Board member or designee to monitor the event or a portion of the event. When fulfilling this quality assurance role, the designated person shall present a letter of introduction to the presenter.~~ notify the presenter or training sponsor in writing.

~~(d) (c) Certification Education~~ hours shall be awarded only for actual hours attended.

~~(e) Certificates shall not be released until the event ends and they shall be modified to reflect actual hours completed.~~

~~(f) (d) Providers of Board approved events shall be required to document attendance at individual events for schools, courses, ~~curricula~~ curricula, and conferences.~~

~~(g) (e) Event sponsors shall maintain attendance and evaluation records for~~ no less than a minimum of three years.

~~(h) Training approved by International Certification and Reciprocity Consortium (ICRC) member boards shall be accepted with documentation of completion.~~

History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.40;

Eff. August 1, 1996; Eff. August 1, 1996;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0403 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0403 EMPLOYER ~~INSERVICE~~ **IN-SERVICE TRAINING EVENT**

(a) An ~~employer inservice in-service~~ event shall be a training session that shall be provided by the applicant's employer for the purpose of professional ~~certification~~ credentialing and limited to the employees of that agency. and it shall be approved by the Board for this purpose as with other training events. The Board shall accept ~~[inservice]~~ **[in-service]** training for professional credentialing and renewal but reserves the right to attend and evaluate the ~~[inservice]~~ **[in-service]** training as described in ~~[21 NCAC 68 .0402.]~~ **Rule of .0402 of this Section.**

(b) An applicant's training in substance use disorder and prevention provided as part of military employment shall be considered ~~inservice in-service~~ training.

History Note: Authority G.S. 90-113.30; ~~90-113.37;~~ 90-113.40;
 ~~Eff. August 1, 1996.~~ August 1, 1996;
 Readopted Eff. October, 1, 2020.

21 NCAC 68 .0404 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0404 CREDIT DENIAL OR LIMITATION

~~(a) Credit shall not be given for the following:~~

- ~~(1) Presentations given by banquet speakers unless the content meets the requirements described in this Section;~~
- ~~(2) One's own case presentation required for certification; or~~
- ~~(3) Registration time.~~

~~(b) The Board shall revise or rescind credit hours if information is received documenting that a previously approved event was not presented as it was approved.~~ The Board may deny credit approval based on failure to provide accurate information to the Board as part of the credit approval application.

*History Note: Authority G.S. 90-113.30; ~~90-113.37~~; 90-113.40;
Eff. ~~August 1, 1996~~. August 1, 1996;
Readopted Eff. October 1, 2020.*

21 NCAC 68 .0405 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0405 SPONSOR GUIDELINES

(a) Sponsors or presenters shall submit requests for approval prior to the event and shall allow the Board 45 days for review and approval. Requests by sponsors or presenters ~~postmarked~~ submitted after the event has taken place ~~shall~~ may not be reviewed or approved by the Board, but shall be returned. Board. Documentation of the event attendance shall then be submitted by each individual at the time request is made for certification or recertification or conversion. Credentialing or renewal.

(b) All approvals from the Board ~~shall be in writing and~~ shall include the event approval number.

(c) Sponsors shall be responsible for providing a certificate of attendance which includes the approval number and number of approved education hours.

(d) Any event given on a recurring basis, as in the example of college courses, may shall be given approval on a yearly basis. Renewal of credit approval shall be based on ~~submission of a letter~~ notification by the sponsor or presenter documenting no change in course content. Any changes in content or method shall be submitted for review and approval in order to maintain prior approval. When changes have been made in content, method or agenda, the fee shall be the same as for a new event.

~~(e) Fees for review and approval of events:~~

~~(1) For 1-10 hours of instruction the Board shall impose a fee of twenty-five dollars (\$25.00);~~

~~(2) For 11-20 hours of instruction the Board shall impose a fee of fifty dollars (\$50.00);~~

~~(3) For 21-30 hours of instruction the Board shall impose a fee of seventy-five dollars (\$75.00);~~

~~(4) For 31-40 hours of instruction the Board shall impose a fee of one hundred dollars (\$100.00);~~

~~(5) For 41-50 hours of instruction the Board shall impose a fee of one hundred twenty-five dollars (\$125.00);~~

~~(6) For 51-100 hours of instruction the Board shall impose a fee of one hundred fifty dollars (\$150.00).~~

~~(7) For greater than 100 hours of instruction the Board shall impose a fee greater than one hundred fifty dollars (\$150.00) and those additional charges shall be imposed in incremental amounts as set forth in Subparagraphs (c)(1) through (6) of this Rule, not to exceed three hundred dollars (\$300.00).~~

History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.38; 90-113.40;

Eff. August 1, 1996. Eff. August 1, 1996;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0406 is repealed with changes as published in 34:24 NCR 2384 as follows:

~~21 NCAC 68 .0406 — PROCEDURES FOR APPROVAL OF SELF-STUDY COURSES~~

~~(a) Self study courses may be submitted for approval for certification and recertification hours.~~

~~(b) A copy of all documents including test and documentation of completion shall be submitted with the application.~~

~~(c) No more than 50% of hours may be credited through self study programs.~~

~~(d) Self study courses may not be repeated for credit.~~

~~(e) A fee of one hundred fifty dollars (\$150.00) shall be submitted for each course by the vendor for pre approval by the Board. Pursuant to G.S. 90-113.39, approval is for one year from the date the Certification Board approves the application.~~

~~(f) Self study approved by IC&RC/AODA, Inc. member boards and organizations granted deemed status shall be accepted with documentation of completion.~~

History Note: Authority G.S. 90-113.30; 90-113.37; 90-113.38; 90-113.39; 90-113.40;

Eff. August 1, 1996;

Amended Eff. April 1, 2003.

Repealed Eff. October 1, 2020.

21 NCAC 68 .0407 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0407 APPLICANT EDUCATION SUBMISSION GUIDELINES

(a) ~~After January 1, 1985, to gain credit for an applicant's education for certification, recertification or conversion,~~
the The applicant shall provide the event approval number and proper documentation of attendance which includes:

- (1) Certificate certificate of attendance; or
- (2) Training training cards or sheets signed by a sponsor or presenter.

(b) Documents not acceptable to establish that an applicant has received continuing education are as follows:

- (1) Canceled canceled checks;
- (2) Receipts; receipts;
- (3) Letters letters from supervisors who were non-participants in the course; or
- (4) Program program schedules.

(c) If the sponsor failed to obtain approval for an event, the applicant shall be responsible for supplying the required information for each session as stated in Rule .0402 of this Section.

~~(d) To gain credit for didactic or academic hours of continuing education events held prior to January 1, 1985, the following standards apply:~~

- ~~(1) — The Board shall accept education previously approved by the former N.C. Alcoholism Certification Board and N.C. Drug Abuse Professional Certification Board.~~
- ~~(2) — Events held between January 1, 1980 and December 31, 1984 shall include all of the information required pursuant to Rule .0402 of this Section, except the resume of the presenter.~~
- ~~(3) — Events held prior to January 1, 1980 may be approved if a description of the material, method, number of hours and presenter's name is provided by the applicant.~~

~~(e) It is the responsibility of the individual applicant to put together a package of hours in accordance with criteria contained herein. Sixty hours of education shall be completed within the two years immediately prior to request for certification or recertification or conversion. There shall be no time frame on the remaining required hours for certification, to include conversion.~~

~~(f) Inservice events shall be identified as such.~~

~~(g) If a page of material is received from the applicant which does not comply with the above requirements, it shall be returned to the applicant.~~

~~(h) Request for approval shall be mailed to the Board.~~

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.37; 90-113.40;

Eff. August 1, 1996. Eff. August 1, 1996;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0501 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0501 PURPOSE AND SCOPE

~~(a) The ethical principles governing the credentialed substance abuse [use disorder] professional are established to protect the public health, safety and welfare.~~

~~(b) The primary goal of this code is to set forth principles to guide the conduct of the substance abuse [use disorder] professional.~~ (a) The Board may deem violation of these ethical principles of the Board, standards malpractice, negligence, incompetence, or engaging in conduct that could result in harm or injury to the public, public, as stated in G.S. 90-113.44(a)(9).

~~(c) (b)~~ Ethical principles shall provide a standard for the substance ~~abuse~~ use disorder professional in his or her professional roles, ~~relationships~~ relationships, and responsibilities.

(d) Upon submission of an application for a credential, each applicant shall review the ethical ~~standards~~ principles in these Rules, sign [or otherwise adhere to] the "Applicant's Code of Ethical Conduct" form, and return it to the Board agreeing [thus agreeing] and agree to uphold the ethical principles of conduct. of this Section.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40;

Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. February 1, 1996;

~~Amended Eff. January 1, 2010. Amended Eff. January 1, 2010;~~

Readopted Eff. October 1, 2020.

21 NCAC 68 .0502 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0502 NON-DISCRIMINATION

The substance abuse use disorder professional shall ~~consider the issue of discrimination~~ not discriminate against clients or other professionals based on race, religion, age, sex, handicaps, national ancestry, sexual orientation orientation, or economic condition, ~~but in all cases the professional shall not discriminate on any basis prohibited by federal or state law.~~ condition.

History Note: Filed as a Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 90-113.30; 90-113.33; 90-113.40;
~~Eff. February 1, 1996.~~ Eff. February 1, 1996;
Readopted Eff. October 1, 2020.

21 NCAC 68 .0503 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0503 COMPETENCE

(a) The substance ~~abuse~~ use disorder professional shall employ ~~the requisite~~ their knowledge, skill and proficiencies of a substance abuse practitioner ~~competently~~ providing services within ~~his or her~~ their scope of practice.

(b) The substance ~~abuse~~ use disorder professional shall ~~strive to learn about~~ respect cultural and ethnic values in order to provide the highest level of care for a client who possesses a diverse or unfamiliar cultural or ethnic background.

(c) The substance ~~abuse~~ use disorder professional shall provide the ~~necessary~~ interpretive services to any client or refer the person for ~~necessary~~ services.

(d) The substance ~~abuse~~ use disorder professional shall assist in eliminating prevention, intervention, treatment, and supervision practices by persons unqualified or unauthorized to practice in the field.

(e) The substance ~~abuse~~ use disorder professional who knows of unethical conduct ~~or of unprofessional practices~~ as defined by the Rules of this Chapter, by a substance ~~abuse~~ use disorder professional shall report such violations to the Board.

(f) The substance ~~abuse~~ use disorder professional shall recognize boundaries and limitations of his or her competencies and not offer services or use techniques outside of his or her professional competencies and scope of practice.

(g) The substance ~~abuse~~ use disorder professional who identifies a need for services outside his or her skill, training or experience shall refer the client to an appropriate professional or shall seek supervision and training to provide the required services for the individual.

(h) The substance ~~abuse~~ use disorder professional shall complete reports and record keeping functions in a manner that supports the client's treatment experience and welfare.

(i) The substance ~~abuse~~ use disorder professional shall recognize the negative impact impairment has on his or her functioning in public and professional performance and shall ~~seek an assessment by a Board-approved provider and follow the recommendations~~, report ~~[such]~~ the impairment to the Board for investigation and review, which may result in disciplinary or non-disciplinary action.

~~(j) No applicant shall be credentialed as a substance abuse [use disorder] professional who is serving any part of a court-ordered sentence as specifically prohibited by 21 NCAC 68 .0224.~~

History Note: Authority G.S. 90-113.30; ~~90-113.34~~; 90-113.36; ~~90-113.37~~; 90-113.39; 90-113.40; ~~90-113.41~~; 90-113.43; 90-113.44;

Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. February 1, 1996;

Amended Eff. January 1, 2010; April 1, 2001; ~~August 1, 2000~~ August 1, 2000;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0504 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0504 LEGAL STANDARDS AND ETHICAL STANDARDS

(a) The substance ~~abuse~~ use disorder professional shall not claim or imply educational, ~~experiential~~ experiential, or professional qualifications or affiliations that the substance ~~abuse~~ use disorder professional does not possess.

(b) The substance ~~abuse~~ use disorder professional shall not use membership on the ~~North Carolina Substance Abuse Professional Practice~~ Board for purposes that are not consistent with ~~these Rules.~~ the Rules of this Chapter. No Board member shall advertise, promise, or provide special treatment to any individual because of membership on the ~~North Carolina Substance Abuse Professional Practice~~ Board or its committees.

(c) The substance ~~abuse~~ use disorder professional shall not lend his or her name to or participate in any professional or business relationship that may knowingly mislead the public.

(d) The substance ~~abuse~~ use disorder professional shall follow ~~established guidelines~~ all state and federal laws on research with human subjects when he or she engages in such research.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.43; 90-113.44; 90-113.45;

Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. February 1, 1996;

Amended Eff. January 1, 2010; ~~April 1, 2001.~~ April 1, 2001.

Readopted Eff. October 1, 2019.

21 NCAC 68 .0505 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0505 EDUCATION AND TRAINING STANDARDS

(a) The substance ~~abuse~~ use disorder professional shall be prepared to provide the source for any materials or techniques used when making either public statements or providing education and training.

(b) The substance ~~abuse~~ use disorder professional shall not knowingly make false, deceptive, or fraudulent statements concerning ~~his or her~~ their services, fees, clinical research, or degree of success of their professional services.

~~(1) Training, experience, or competence;~~

~~(2) Academic degrees;~~

~~(3) Credentials;~~

~~(4) Institutional or association affiliations;~~

~~(5) Services;~~

~~(6) Fees;~~

~~(7) Publications or research findings; and~~

~~(8) Scientific or clinical basis for, or results or degree of success of his or her services.~~

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.44;

Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. February 1, 1996;

Amended Eff. January 1, 2010; ~~April 1, 2001~~; April 1, 2001;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0506 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0506 PUBLICATION CREDIT

The substance ~~abuse~~ use disorder professional shall assign credit to all who have contributed to the published material and for the work upon which the publication is based.

(1) The substance ~~abuse~~ use disorder professional shall recognize joint ~~authorship, major contributions of a professional character,~~ authorship contributions made by several persons to a common project.

The author who has made the ~~principle~~ principal contribution to a publication shall be identified as a first listed.

~~(2) The substance abuse use disorder professional shall acknowledge in footnotes or an introductory statement minor contribution of a professional character, extensive clerical or similar assistance and other minor contributions.~~

~~(3)~~ (2) The substance ~~abuse~~ use disorder professional shall acknowledge, through specific citations, unpublished, as well as published material, that has directly influenced the research or writing.

~~(4)~~ (3) The substance ~~abuse~~ use disorder professional who compiles and edits for publication the contributions of others shall list oneself as editor, along with the names of those others who have contributed.

History Note: Filed as a Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 90-113.30; 90-113.33; 90-113.44;
~~Eff. February 1, 1996. Eff. February 1, 1996;~~
Amended Eff. October 1, 2020.

21 NCAC 68 .0507 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0507 CLIENT WELFARE

(a) The substance ~~abuse~~ use disorder professional shall protect the safety and welfare of the client.

(b) The substance ~~abuse~~ use disorder professional shall inform clients of the nature and direction of loyalties and responsibilities and keep all parties participating in the client's care informed of these commitments.

(c) The substance ~~abuse~~ use disorder professional, in the presence of professional conflict, shall be concerned primarily with the welfare of the client.

(d) The substance ~~abuse~~ use disorder professional shall withdraw services only after giving consideration to all factors in the situation and taking care to minimize adverse actual or possible effects.

(e) The substance ~~abuse~~ use disorder professional shall, after minimizing any adverse impact, end a counseling or consulting relationship when the professional knows or should know that the client is not benefiting from services.

(f) The substance ~~abuse~~ use disorder professional who anticipates the cessation or interruption of service to a client shall notify the client promptly and seek the cessation, transfer, referral, or continuation of service in relation to the client's needs and preferences.

(g) The substance ~~abuse~~ use disorder professional shall not use a client in a demonstration where such participation would foreseeably harm the client, that would violate the confidentiality of the client.

(h) The substance ~~abuse~~ use disorder professional shall deliver services in a setting that respects client privacy and confidentiality.

(i) The substance ~~abuse~~ use disorder professional shall collaborate with other health care professionals providing treatment or support services to a client.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40; 90-113.43; 90-113.44;

Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. February 1, 1996;

Amended Eff. January 1, 2010; April 1, 2001; ~~August 1, 2000~~ August 1, 2000;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0508 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0508 CONFIDENTIALITY

(a) The substance ~~abuse~~ use disorder professional shall protect the privacy of current and former clients and shall not disclose confidential information without prior consent.

(b) The substance ~~abuse~~ use disorder professional shall inform the client and obtain written permission for the use of interview material for training purposes and observation of an interview.

(c) The substance ~~abuse~~ use disorder professional shall make provisions for the maintenance of confidentiality and the ultimate disposition of confidential records. ~~These provisions shall be consistent with the prohibition against disclosure of records or other information concerning any client in a federally-assisted alcohol or drug abuse program as it appears in 42 C.F.R., Part 2, 42 U.S.C. 290ee-3, the HIPAA Privacy Rule appearing in 45 CFR Sections 160 and 164 and State law.~~

(d) The substance ~~abuse~~ use disorder professional shall disclose confidential information ~~only~~:

(1) ~~when there is clear and imminent danger to the client or to other persons or a medical emergency and then only to the appropriate professional worker or public authorities;~~

(2) ~~when compelled by law to provide such information;~~

(3) ~~with a proper consent form in writing issued pursuant to 42 C.F.R., Part 2, 42 U.S.C. 290ee-3; or~~

(4) ~~for internal program communications and communications that do not disclose patient identifying information; only in accordance with state confidentiality Rules found in 10A NCAC 26B and [federal guidelines found] in 42 CFR Part 2.~~

(e) With prior written consent the substance ~~abuse~~ use disorder professional shall discuss the information obtained in a clinical or consulting relationship only in a professional setting and only for a professional purpose concerned with the case. Written and oral reports shall present only data germane to the purpose of the evaluation.

(f) The substance ~~abuse~~ use disorder professional shall use material in classroom teaching and writing only when the identity of the person involved is disguised adequately to prevent disclosure or documented permission is given by the party or the information is in the public domain.

History Note: Authority G.S. 90-113.30; 90-113.43; 90-113.44;

Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. February 1, 1996;

Amended Eff. January 1, 2010; ~~April 1, 2001~~; April 1, 2001;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0509 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0509 CLIENT RELATIONSHIPS

(a) The substance ~~abuse~~ use disorder professional shall not enter into a ~~client/professional~~ client-professional relationship with members of ~~one's~~ the professional's immediate family. For the purpose of this Rule "immediate family" means spouse, parent, sibling, child, grandparent, grandchild, stepchild, stepparent, parent-in-law, and child-in-law.

(b) The professional shall avoid dual relationships that could impair professional judgment or increase the risk of exploitation of a client. For the purpose of this Rule "dual relationships" includes relationships in a social media setting where the professional and client have access to privileged information including relationships, photographs, and personal thoughts and opinions of the professional and the client.

(c) Sexual activity or sexual contact of a substance ~~abuse~~ use disorder professional with a client shall be restricted as follows:

- (1) The substance ~~abuse~~ use disorder professional shall not engage in or solicit sexual activity or sexual contact with a current client.
- (2) The substance ~~abuse~~ use disorder professional shall not engage in or solicit sexual activity or sexual contact with a former client for five years after the termination of the counseling or consulting relationship.
- (3) The substance ~~abuse~~ use disorder professional shall not engage in or solicit sexual activity or sexual contact with any client the professional knows to be currently in treatment at ~~his or her~~ their own agency or place of professional employment.
- (4) The substance ~~abuse~~ use disorder professional shall not knowingly engage in or solicit sexual activity or sexual contact with any identified former client of ~~his or her~~ their own agency or place of professional employment for five years after the termination of the counseling or consulting relationship if both the professional was employed at the agency and the former client was a client of the agency during the same time period.
- (5) Because sexual activity with a client is harmful to the client, a substance ~~abuse~~ use disorder professional shall not engage in sexual activities with a former client even after a five-year interval unless the substance ~~abuse~~ use disorder professional who engages in such activity after the five years following cessation or termination of treatment bears the burden of demonstrating that there has been no harm to the client in light of all relevant factors, including the following:
 - (A) ~~The the~~ amount of time that has passed since treatment services were terminated;
 - (B) ~~The the~~ nature and duration of the treatment services;
 - (C) ~~The the~~ circumstances of termination;
 - (D) ~~The the~~ client's personal history;
 - (E) ~~The the~~ client's current mental status;
 - (F) ~~The the~~ likelihood of adverse impact on the client and others; and

1 (G) ~~Any~~ any statement made or action taken by the substance ~~abuse~~ use disorder professional
2 during the course of treatment suggesting or inviting the possibility of a post-termination
3 sexual or romantic relationship with the client.

4 (d) The substance ~~abuse~~ use disorder professional shall not misuse ~~his or her~~ their professional relationship for sexual,
5 financial, or any other personal advantage.

6
7 *History Note: Authority G.S. 90-113.30; 90-113.33; ~~90-113.34~~; 90-113.44;*

8 *Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule*
9 *becomes effective, whichever is sooner;*

10 *Eff. February 1, 1996;*

11 *Amended Eff. February 1, 2010; April 1, 2001; ~~August 1, 2000~~; August 1, 2000;*

12 *Readopted Eff. October 1, 2020.*

21 NCAC 68 .0510 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0510 INTERPROFESSIONAL RELATIONSHIPS

(a) The substance ~~abuse~~ use disorder professional shall treat colleagues with respect, ~~courtesy~~ courtesy, and fairness and shall afford the same professional courtesy to other professionals.

(b) The substance ~~abuse~~ use disorder professional shall not offer professional services to a client in counseling or consulting with another professional except with the knowledge of the other professional or after the termination of the client's relationship with the other professional.

(c) The substance ~~abuse~~ use disorder professional shall cooperate with ~~duly constituted professional ethics~~ the committees of the board and promptly supply necessary requested information unless prohibited by law.

History Note: Filed as a Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority G.S. 90-113.30; 90-113.33; 90-113.44;

Eff. February 1, 1996;

Amended Eff. ~~April 1, 2001~~ April 1, 2001;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0511 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0511 REMUNERATION

(a) The substance ~~abuse~~ use disorder professional shall establish financial arrangements to protect against fraud and deceptive business practices in professional practice and in accord with the best interests of the client or person served, the ~~professional~~ professional, and of the profession.

(b) The substance ~~abuse~~ use disorder professional shall not send or receive any commission, rebate, or any other form of remuneration for referral of a client or a person served for professional services.

(c) The substance ~~abuse~~ use disorder professional shall not accept a private fee or any other gift or gratuity having a cumulative value of twenty-five dollars (\$25.00) or more for professional work with a person who is receiving such services with the professional or through the professional's institution or agency.

(d) The substance use disorder professional shall make available written policies and procedures available to their clients or persons serviced. ~~A particular agency may make written provisions for private work with its clients or persons served by members of its staff and in such instances the client or person served shall be apprised of all policies affecting him or her.~~ The substance use disorder professional shall present ~~Additional~~ referral options ~~shall be presented~~ to the client or person served if available.

(e) A substance ~~abuse~~ use disorder professional shall not use ~~his or her~~ their employer's organization to solicit clients or persons served for one's private practice without written authorization from the employer.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.44;

Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. February 1, 1996;

Amended Eff. February 1, 2010; April 1, 2001; ~~August 1, 2000.~~ August 1, 2000;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0512 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0512 RESPONSIBILITIES OF SUPERVISOR AND SUPERVISEE

(a) A professional who has received a credential from the Board and who is serving as a clinical or practice supervisor shall:

- (1) ~~Be~~ be aware of ~~his or her~~ their position with respect to supervisees and therefore not exploit the trust and reliance of such ~~persons;~~ persons:
- (2) ~~Avoid~~ avoid dual relationships that could impair professional judgment, increase the risk of exploitation, or cause harm to the supervisee. To implement this standard the supervisor shall not:
 - (A) ~~Instruct~~ instruct or supervise a person with whom the supervisor has participated in a sexual activity; a person living in the supervisor's household; or ~~a family member who is related to the supervisor as a child, parent, grandchild, sister, brother, grandparent, spouse, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, stepmother, stepfather, brother-in-law, sister-in-law, spouse's grandparent, spouse's grandchild, grandchild's spouse, or spouse of a grandparent. A supervisor is related to an aunt, uncle, great aunt, or great uncle only if that relative is the sibling of the person's parent or grandparent.~~ an immediate family member. For the purpose of this Rule, "immediate family member" means spouse, parent, sibling, child, grandparent, grandchild, stepchild, stepparent, parent-in-law, and child-in-law:
 - (B) ~~Provide~~ provide therapy or therapeutic counseling services to supervisees; or
 - (C) ~~Solicit~~ solicit or engage in sexual activity or contact with supervisees during the period of supervision.
- (3) ~~Be~~ be trained in and knowledgeable about supervision methods and ~~techniques.~~ techniques:
- (4) ~~Supervise~~ supervise or consult only within ~~his or her~~ their knowledge, training, and ~~competency.~~ competency; and
- (5) ~~Guide~~ guide ~~his or her~~ their supervisee to perform services ~~responsibly, competently, and ethically.~~ in accordance with the ethical principles of this Chapter. As authorized by the supervisee's employer, the supervisor shall assign to ~~his or her~~ their supervisees only those tasks or duties that these individuals can be expected to ~~perform competently,~~ perform, based on the supervisee's education, experience, or training, either independently or with the level of supervision being ~~provided.~~ provided:
- (6) ~~Not disclose the~~ [Withhold] withhold confidential information provided by a supervisee except:
 - (A) ~~As~~ as mandated by law;
 - (B) ~~To~~ to prevent harm to a client or other person involved with the supervision;
 - (C) ~~In~~ in educational or training settings where there are multiple supervisors, and then only to other supervisors who share responsibility for the performance or training of the supervisee; or

- (D) ~~If~~ if consent is obtained.
- (7) ~~Establish~~ establish and facilitate a process for providing evaluation of performance and feedback to a supervisee. To implement this process the supervisee shall be informed of the timing of evaluations, methods, and levels of competency expected. Supervision documentation shall be signed by the supervisor and supervisee and include the date, time, duration, method, and topic of the supervision ~~session.~~ session;
- (8) ~~Not endorse~~ [Withhold] withhold endorsement of supervisees for credentialing, employment, or completion of an academic training program if they believe the supervisees are not qualified for the endorsement. A supervisor shall develop a plan to assist a supervisee who is not qualified for endorsement to become ~~qualified.~~ qualified;
- (9) ~~Make~~ make financial arrangements for any remuneration with supervisees and organizations only if these arrangements are in writing. All fees shall be disclosed to the supervisee prior to the beginning of ~~supervision.~~ supervision; and
- (10) [Review] review documentation of previously supervised work experience, provided by the supervisee, for the purpose of credentialing by the Board. The supervisor may verify these hours to the Board if the supervisor deems that [appropriate] the supervision [and ethical practice] was performed and may include these verified hours in their evaluation to the Board.
- (b) The ~~Supervisor~~ supervisor of record shall provide notice to the office of the Board within 30 days from the date of the last session of clinical supervision that supervision has terminated. Upon receipt of this notice, as soon as is practicable, the Board shall ~~mail a certified notice to~~ notify the supervisee that ~~he or she~~ they ~~has~~ have 30 days to obtain ~~supervision~~ a supervisor to retain the current credential. The supervisee shall ~~provide the Board with a Board-approved~~ add a new supervisor or otherwise update their supervision contract signed and dated by the supervisor and supervisee to maintain the supervisee's credential. on file with the Board. ~~This contract shall be postmarked, indicating that it was mailed to the office within the 30-day time period after receipt of the certified notice from the Board.~~

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.39; 90-113.40;
Eff. April 1, 2003;
Amended Eff. January 1, 2014; ~~January 1, 2010.~~ January 1, 2010;
Readopted Eff. October 1, 2020.*

21 NCAC 68 .0601 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0601 GROUNDS FOR PROFESSIONAL DISCIPLINE

The following are grounds for discipline:

- (1) ~~Fraud~~ fraud or misrepresentation in procuring or maintaining a credential:
 - (a) ~~Acting~~ acting as to practice, attempt to practice, or to supervise others while representing oneself to be a credentialed substance ~~abuse~~ use disorder professional without being duly credentialed;
 - (b) ~~Falsely~~ falsely representing material fact to procure or maintain a credential, whether by word or conduct;
 - (c) ~~Concealing~~ concealing requested information contained in the application;
 - (d) ~~Attempting~~ attempting to file or filing any false or forged diploma, certificate, affidavit, transcript, identification or qualification;
 - (e) ~~Submitting~~ submitting material which is not the work product of the applicant;
 - (f) ~~Knowingly~~ knowingly assisting another to procure or maintain ~~his or her~~ their credential on the basis of fraud; or
 - (g) ~~Assisting~~ assisting any uncredentialed person to practice as a credentialed substance ~~abuse~~ use disorder professional in violation of this code.
- (2) ~~Fraud~~ fraud or misrepresentation to the public:
 - (a) ~~Knowingly~~ knowingly make misleading, deceptive, false, or fraudulent misrepresentations in the practice of the profession; ~~or~~
 - (b) ~~Advertising~~ advertising or holding oneself out to the public to provide professional services for which he or she is not credentialed; or
 - (c) ~~Pursuing~~ pursuing an illegal practice as set forth in G.S. 90-113.43.
- (3) ~~Knowingly~~ knowingly make misleading, deceptive, false, or fraudulent representations to the ~~Board.~~ Board:
- (4) ~~Exploitation~~ exploitation of a relationship with client or person served:
 - (a) ~~Entering~~ entering into a professional relationship in violation of Rule .0509 of this Chapter;
 - (b) ~~Participating~~ participating in or soliciting sexual activity or sexual contact with a current or former client or client of one's agency in violation of Rule .0509 of this Chapter; ~~and~~
 - (c) ~~Entering~~ entering into personal financial arrangements with a client or person served in violation of Rule .0511 ~~or any other Rule.~~ of this Chapter.
- (5) ~~Illegal~~ illegal acts or practices:
 - (a) ~~Violation~~ violation of ~~federal or state confidentiality statutes;~~ Rule .0508 of this Chapter;
 - (b) ~~Conviction~~ conviction for violating any controlled substances law or any driving while impaired law; or

- (c) ~~Being~~ being an accessory to or participating in dishonesty, fraud, ~~misrepresentation~~ misrepresentation, or any other illegal act involving a client or person served.
- (6) ~~Professional~~ professional incompetency or failure to meet standards of practice:
- (a) ~~Failure~~ failure to follow the standards of skill and competence possessed and applied by professional peers ~~certified~~ credentialed in this State acting in the same or similar circumstances;
- (b) ~~Practicing~~ practicing outside ~~his or her~~ their scope of ~~practice~~ practice.
- (c) ~~Use~~ use of drugs including alcohol to the extent that professional competency is affected or that the professional suffers impairment; ~~or~~
- (d) ~~Refusal~~ refusal to seek treatment for chemical dependency or mental health problems which impair professional ~~performance~~ performance.
- ~~(e) Engaging in conduct that an ordinary, reasonable, and prudent person could foresee would result in harm or injury to the public.~~
- (7) In professional relationships, the following are prohibited:
- (a) ~~Knowingly~~ knowingly offering professional services to a client in a professional relationship with another substance ~~abuse~~ use disorder professional except with the knowledge of the other professional or after the termination of the client's relationship by the other professional;
- (b) ~~Sending~~ sending or receiving any form of remuneration for referral of clients or persons served for substance ~~abuse~~ use disorder treatment services from the professional to whom the referral was made;
- (c) ~~Accepting~~ accepting from or charging the client a fee for a referral to another substance ~~abuse~~ use disorder professional;
- (d) ~~Accepting~~ accepting or charging a fee when no substance ~~abuse~~ use disorder professional services are actually provided; except actual costs for copies and administrative services may be recovered; or
- (e) ~~Failing~~ failing to cooperate with the investigations and proceedings of any professional ethics committee unless the failure is within the exercise of the professional's constitutional rights.

History Note: Authority G.S. 90-113.33; ~~90-113.37~~; 90-113.39; 90-113.40; 90-113.42; 90-113.43; 90-113.44; 90-113.45; ~~90-338~~;

Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. February 1, 1996;

Amended Eff. April 1, 2011; ~~August 1, 2000~~; August 1, 2000;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0602 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0602 COMPLAINT PROCEDURES

(a) Initiation. Any individual with personal knowledge that any person has violated the code of ethics, any other rules of the Board, or G.S. 90, Article 5C may file a complaint against the substance ~~abuse~~ use disorder professional by submitting a ~~written complaint~~. [Complaint] complaint through the Ethics Complaint Form found on the Board's ~~website, www.nesappb.org~~ website.

(b) Form. The complaint shall be in ~~writing~~, written or typed format stating the nature of the alleged offense and signed ~~or [otherwise]~~ attested to be true by the complainant. The complaint shall include:

- (1) ~~The the~~ name, address, and telephone number of the complainant;
- (2) ~~The the~~ name and address of the person against whom the complaint is made; and
- (3) ~~A a~~ statement of the facts that describes the allegations against the person.

(c) The complaint shall be investigated as set out in Rule .0603.

(d) Following an investigation of the complaint, the ethics chairperson shall try to reach a settlement through informal procedures pursuant to G.S. 150B-22.

(e) Once the ethics committee concludes there is a basis to schedule a disciplinary hearing before the Board, the committee chairperson shall notify the person against whom the complaint is made. The notice to the respondent shall include the following:

- (1) ~~State state~~ the section(s) of the code of ethics, other rules of the Board, or G.S. 90, Article 5C which the complaint alleges has been violated;
- (2) ~~Direct direct~~ that the respondent reply in writing and by certified mail within 15 days of receipt of this notice; and
- (3) ~~Inform inform~~ the respondent that failure to respond in writing within 15 days may result in revocation of credential.

(f) ~~Whenever practicable, notice~~ Notice shall be given by ~~personal service or by certified mail~~ regular postage mail, certified mail, or personal service at the last known address of the respondent. If given by certified mail, ~~#~~ notice shall be deemed to have been given on the delivery date appearing on the return receipt.

(g) The Board may receive official correspondence in an ethics case through e-mail in order to further the investigation or when the subject of an investigation is unable to use or has been unresponsive to certified mail or other methods of delivery. The Board may use [Law Enforcement] local law enforcement or a private investigator licensed by Private Protective Services Board to personally serve a respondent.

(g) If notice cannot be given either by personal service or by certified mail, a notice that a complaint has been brought against the respondent shall then be given by publication. A party that cannot with due diligence be served by personal delivery or certified mail may be given notice to respond to a complaint by publication. Service of notice by publication shall consist of publishing a notice by publication once a week for three successive weeks in a newspaper that is qualified for legal advertising in accordance with G.S. 1-597 and G.S. 1-598 and circulated in the area where the party to be served is believed by the serving party to be located, or if there is no reliable information concerning

1 the location of the party then in a newspaper circulated in the county of respondent's last address provided to the Board
2 by the respondent. There shall be mailed to the party at or **immediately** prior to the first publication a copy of the
3 notice to respond by publication to the respondent's last known address. Upon completion of **such** service there shall
4 be filed with the Board by the ethics committee chairperson an affidavit showing the publication and mailing
5 substantially in accordance with the requirement of G.S. 1-75.10(2), the circumstances warranting the use of service
6 by publication, and information, if any, regarding the location of the party served. The notice shall include a statement
7 by the Board that a complaint has been made against the respondent that is scheduled to be heard by the Board within
8 90 days. The notice shall inform respondent that respondent shall be given 30 days from the date of the last date of
9 publication in which to respond to the service by publication for the purpose of notifying the Board of respondent's
10 whereabouts. Response shall be made in writing to the Board at the address provided by the Board in its notice. If
11 respondent provides the Board with information whereby respondent can be served by the deadline specific in the
12 notice, the Board shall provide notice either personally or by certified mail as provided in Paragraph **(d)(g)** of this Rule.
13 Failure of respondent notified by publication of a complaint brought by the Board shall be treated as a failure of
14 respondent to reply to the charges.

15 (h) Failure of the respondent to reply to the charges, including each specific allegation, may be considered an
16 admission of the facts contained in the allegation(s).

17
18 *History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.44; 113.45;*

19 *Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule*
20 *becomes effective, whichever is sooner;*

21 *Eff. February 1, 1996;*

22 *Amended Eff. April 1, 2011; ~~August 1, 1998.~~ August 1, 1998;*

23 *Readopted Eff. October 1, 2020.*

21 NCAC 68 .0603 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0603 INVESTIGATION OF COMPLAINT

(a) The ~~ethics committee~~ **Ethics Committee** chairperson, in consultation with the executive director or ~~his or her~~ **their** designee and legal counsel, shall investigate the allegations in the complaint. The chairperson may appoint any person(s) or name a subcommittee to serve as the investigating entity to prepare an investigative report.

(b) The investigating entity may contact the complainant and person against whom the complaint is made.

(c) Upon completion of the investigation, the ethics committee chairperson in consultation with the investigating entity may determine that:

(1) ~~The the~~ complaint is without merit. The chairperson shall notify the complainant that the complaint is dismissed and ~~may~~ **shall** notify the respondent of the dismissal; ~~and~~

(2) ~~Upon~~ **upon** completion of an investigation wherein the complaint is not dismissed, the ~~ethics committee~~ **Ethics Committee** chairperson may:

(A) ~~Offer~~ **offer** an informal resolution pursuant to G.S. 150B-22;

(B) ~~Schedule~~ **schedule** a meeting with the respondent;

(C) ~~Refer~~ **refer** the report to the ethics committee or its hearing panel;

(D) ~~Schedule~~ **schedule** a hearing before the Board; or

(E) ~~The the~~ chairperson may take a voluntary dismissal of the case where the respondent relinquishes his or her credential for an agreed upon period of time.

(d) The ~~ethics committee~~ **Ethics Committee** members or its ~~subcommittee~~ **subcommittees** shall review a report referred by the ~~ethics~~ **Ethics Committee** chairperson and may take any of the following actions:

(1) ~~Dismiss~~ **dismiss** the complaint;

(2) ~~Remand~~ **remand** the matter to the investigating entity in order to obtain additional evidence sufficient upon which to base a decision;

(3) ~~Make~~ **make** a written offer of informal resolution;

(4) ~~Schedule~~ **schedule** a meeting with the respondent whereby the dispute may be settled through informal procedures; or

(5) ~~Schedule~~ **schedule** a disciplinary hearing before the Board.

History Note: Authority G.S. 90-113.33; 90-113.34; 90-113.44;

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Readopted Eff. October 1, 2020.

21 NCAC 68 .0604 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0604 HEARING BEFORE BOARD

(a) A hearing shall be initiated:

(1) ~~At~~ at the call of the ~~ethics~~ Ethics Committee chairperson, ~~ethics committee~~ Ethics Committee, or
~~ethics~~ Ethics Committee hearing panel in the case of a complaint against a credentialed professional;
or

(2) ~~By~~ by any person pursuant to G.S. 150B, Article 3A on appeal of an agency decision.

(b) The hearing shall be conducted pursuant to G.S. 150B, Article 3A.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.44; 90-113.45;

*Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule
becomes effective, whichever is sooner;*

Eff. February 1, 1996;

Amended Eff. April 1, 2011;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0605 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0605 METHOD OF DISCIPLINE

(a) In the course of the disciplinary investigation or hearing the Board may:

- (1) ~~Deny deny~~ a credential;
- (2) ~~Revoke revoke~~ a credential;
- (3) ~~Suspend suspend~~ a credential until further order of the Board or for a specified period of time;
- (4) ~~Admonish; admonish.~~ reprimand, or censure the Respondent; or
- (5) ~~Take take~~ other actions not to be considered a disciplinary action, including a letter of caution or letter of warning ~~with~~ without the consent of the Respondent.

(b) Disciplinary or other actions by the Board with the Respondent's consent may be stayed ~~for an additional period of time~~ while the Respondent satisfies all of the conditions of the consent ~~order order. based on the Respondent's failure to complete the order for reasons outside the Respondent's control.~~

(c) For the purposes of this Chapter:

(1) "Admonish" means a written warning from the Board to a person making application for certification or licensure by the Board or registered, certified, or licensed by the Board. An admonishment is more severe than a reprimand and less severe than a censure.

(2) "Reprimand" means a written warning from the Board to a person making application for certification or licensure by the Board or registered, certified, or licensed by the Board. A reprimand is more less severe than an admonishment.

(3) "Censure" means a written warning from the Board to a person making application for certification or licensure by the Board or registered, certified, or licensed by the Board. A censure is the most severe level of discipline that allows the professional to continue to practice.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.34; ~~90-113.37;~~ 90-113.43; 90-113.44; 90-113.45; Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. February 1, 1996; Amended Eff. ~~April 1, 2011.~~ April 1, 2011; Readopted Eff. October 1, 2020.

21 NCAC 68 .0606 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0606 EFFECT OF ACTIONS OF COURT OR OF OTHER PROFESSIONAL GROUPS

(a) If a person credentialed or applying for a credential from the Board has been disciplined by another professional organization or convicted of a felony or a misdemeanor, the ~~ethics committee~~ Ethics Committee or the Board may take this prior record into consideration when imposing disciplinary sanctions.

(b) When ~~such~~ prior discipline is discovered, it shall be referred to the ~~ethics committee~~ Ethics Committee and shall be treated by the ~~ethics committee~~ Ethics Committee in the same manner as a ~~complaint~~ complaint, unless previously addressed by the Board or committee of the Board.

~~(c) Such prior discipline or conviction as described in Paragraph (a) of this Rule shall be presumed to be correct and appropriate. In order to overcome this presumption, the respondent shall prove to the committee's or the Board's satisfaction at least one of the following:~~

~~(1) The process was so flawed that the finding of the court, organization or board is without basis; or~~

~~(2) Following an investigation by the Board, the disciplinary action by the court, organization or board does not bear a reasonable relation to the conduct complained of resulting in undue punishment.~~

~~(d)(c) Registrants and certified~~ The substance use disorder professionals ~~professionals~~ shall notify the Board within 30 days from the date of any charges, conviction or finding of guilt, or pleading of nolo contendere for all criminal convictions. This reporting shall include DWI charges, ~~[arrests]~~ arrests, and convictions but exclude all other traffic convictions pursuant to G.S. 20.

~~(e)(d)~~ Failure to report these criminal convictions shall be considered a violation of the ethical principles of conduct ~~the Board.~~

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40; 90-113.43; 90-113.44; 90-113.45;
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Readopted Eff. October 1, 2020.*

21 NCAC 68 .0607 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0607 DISCRETION OF BOARD

The following factors may be considered by the Board in determining the nature and severity of the disciplinary sanctions to be imposed:

- (1) ~~The~~ the relative seriousness of the violation as it relates to assuring the citizens of North Carolina a consistently high standard of professional service and care;
- (2) ~~The~~ the facts of the particular violation;
- (3) ~~Any~~ any extenuating circumstances or other countervailing considerations;
- (4) ~~The~~ the number and seriousness of prior violations or complaints;
- (5) ~~Whether~~ whether remedial action has previously been taken;
- (6) ~~Likelihood~~ likelihood of reoccurrence; ~~or~~ and
- (7) ~~Other~~ other factors which may reflect upon the competency, ethical standards, and professional conduct of the individual.

History Note: Filed as a Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Authority G.S. 90-113.33; 90-113.43; 90-113.44;
Eff. ~~February 1, 1996.~~ February 1, 1996.
Readopted Eff. October 1, 2020.

21 NCAC 68 .0608 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0608 CONFIDENTIALITY

(a) Except to pursue notification of respondent of a complaint as set out in Rule .0602 of this Section and to share necessary information with the complainant and others involved in the investigation, at no time prior to the release of the final decision by the Board shall any portion of the action or the whole thereof, be made public or be distributed to any persons other than the members and chairperson of the involved committees, the Committee on Ethics, Ethics Committee, and its staff.

~~(b) Notwithstanding Paragraph (a) of this Rule, all materials shall be released as required by the Administrative Procedure Act.~~

History Note: Filed as a Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority G.S. 90-113.30; 90-113.33; 90-113.34;

Eff. February 1, 1996;

Amended Eff. ~~August 1, 1998.~~ August 1, 1998;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0609 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0609 PETITION FOR REOPENING CASE

(a) If a ~~party, upon proper notice~~ party fails to appear, the hearing may proceed without the party. However, if the inquiry is conducted or a decision is reached in an administrative hearing in the absence of a party, or if a dismissal is entered prior to the granting of one continuance to the person petitioning for reopening the case, that party may file a written petition with the Board for a reopening of the case. The petition caption shall be entitled: "Petition for Reopening Hearing of Respondent."

(b) Petitions for reopening a contested case shall not be granted unless the petitioner can show that ~~his or her~~ their failure to appear was ~~justified and unavoidable~~ due to personal or family medical emergency, ~~and that fairness requires reopening the case.~~

(c) The decision of the Board to grant or deny the petition to reopen shall be in writing and a copy shall be sent to the ~~petitioner~~ petitioner and made a part of the record of the hearing.

History Note: Filed as a Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Authority G.S. 90-113.30; 90-113.33; 90-113.34; 90-113.40; 90-113.44; 90-113.45;

Eff. ~~February 1, 1996.~~ February 1, 1996;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0610 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0610 AWARDING THE CREDENTIAL FOLLOWING DENIAL

(a) Upon a showing that there are circumstances that could establish a basis for reinstatement ~~or otherwise awarding~~ of a credential following its denial, the Board may ~~grant such permission.~~ reinstate or credential the respondent.

(b) A request for reinstatement ~~or otherwise awarding~~ of the credential following its denial shall be initiated by the respondent.

~~(c) A letter of application for reinstatement or otherwise awarding the credential following its denial shall present facts which, if established, shall be sufficient to enable the Board to determine that the basis for the sanction no longer exists.~~

~~(d)~~ (c) To determine that there is a basis reinstating or awarding a credential, the Board may consider:

- (1) ~~The~~ the nature of the offense;
- (2) ~~The~~ the severity of the offense;
- (3) ~~Any~~ any resulting harm or injury to the public and its extent;
- (4) ~~The~~ the length of time since the punishment was imposed; and
- (5) ~~Restitution made; and~~ restitution made.
- ~~(6) — Any other factor the Board considers relevant.~~

History Note: Authority G.S. 90-113.30; 90-113.33; ~~90-113.37~~; 90-113.39; 90-113.40; 90-113.44; 90-113.45; Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. February 1, 1996; Amended Eff. ~~April 1, 2011~~. April 1, 2011; Readopted Eff. October 1, 2020.

21 NCAC 68 .0611 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0611 PROOF OF REHABILITATION

(a) As used in G.S. 90-113.44 and ~~elsewhere,~~ in the Rules of this Chapter, rehabilitation from impairment shall be sustained and continuous for at least six months.

(b) Upon consideration of the evidence evaluated as set forth in Paragraph (c) of this Rule, the required six month period of rehabilitation may be extended pursuant to the treatment ~~recommendations~~ recommendations from a Board-approved assessor, and as approved by the Board.

(c) Evidence for consideration shall include:

- (1) ~~Documentation~~ documentation of treatment history including all assessments, evaluations, treatment, counseling, and group experiences;
- (2) ~~Complete~~ complete criminal record;
- (3) ~~A~~ a comprehensive biopsychosocial and medical assessment that includes evidence of physical, mental, ~~psychological~~ psychological, and social functioning;
- (4) ~~Medical~~ medical ~~diagnosis and~~ diagnosis, treatment history and functioning prognosis;
- (5) ~~Relapse;~~ Return to substance use; and
- (6) ~~Whether~~ whether or not the respondent cooperated with the Board's investigation, to include self-reporting the violation.

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.39; 90-113.40;
 Eff. August 1, 2002;
 Amended Eff. ~~April 1, 2011.~~ April 1, 2011;
 Readopted Eff. October 1, 2020.*

21 NCAC 68 .0615 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0615 INFORMAL PROCEEDINGS

(a) In addition to formal hearings pursuant to G.S. 90-113.33 and G.S. 90-113.34, the Board may conduct informal proceedings in order to settle certain matters of dispute. A substance ~~abuse~~ use disorder professional practicing pursuant to a credential or other authority granted by the Board may be invited to attend a meeting with the Board or a committee of the Board on an informal basis to discuss matters as the Board may advise in its communication to the person. No public record of such proceeding shall be made nor shall any individual be placed under oath to give testimony. Information discussed by a person in an informal hearing before the Board may be used in a formal hearing against the Respondent if initiated.

(b) Attendance at such an informal meeting ~~is~~ shall not ~~be~~ required and is at the discretion of the person so invited. A person invited to attend an informal meeting shall be entitled to have counsel present.

(c) As a result of such informal meeting, the Board may recommend:

- (1) ~~Actions~~ actions to be taken by a person;
- (2) ~~The~~ the person be offered the opportunity to enter into a consent order;
- (3) ~~That~~ that it institute a formal public hearing concerning a person; or
- (4) ~~That~~ that it take other public or non-public ~~action as the Board may deem appropriate in each case.~~
action, to include disciplinary and non-disciplinary actions.

*History Note: Authority G.S. 150B-22; 150B-38(h); 90-113.33;
 Eff. April 1, 2001;
 Amended Eff. ~~April 1, 2011.~~ April 1, 2011;
 Readopted Eff. October 1, 2020.*

21 NCAC 68 .0620 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0620 PUBLICATION OF ETHICS SANCTIONS

Sanctions of admonition, reprimand, censure, suspension or revocation of a credential shall be published by the Board as soon as it is practicable. Board.

History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.42; 90-113.43; 90-113.44;

Eff. ~~August 1, 2002~~; August 1, 2002;

Amended Eff. ~~April 1, 2011~~; April 1, 2011;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0701 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0701 HEARING BEFORE BOARD: TIME REQUIREMENT

(a) Upon denial, ~~suspension~~ suspension, or revocation of ~~certification~~, a credential, the applicant may request a hearing before the Board which will serve as the appeals hearing body.

(b) Requests for an appeals hearing shall be made in writing to the President of the Board within 30 days after receipt of the notification that ~~certification~~ a credential had been denied or revoked.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;

Eff. August 1, 1996;

Amended Eff. ~~August 1, 2000~~. August 1, 2000;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0702 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0702 RIGHT TO HEARING

(a) When the Board proposes to deny, ~~suspend~~ suspend, or revoke a ~~certificate of certification, credential, or at any other time when it deems a hearing appropriate,~~ it shall give notice to the person(s) affected of the right to an administrative hearing.

(b) The notice shall be mailed by certified mail to ~~such~~ the person at his or her last known address.

(c) The person affected may assert his or her right to a hearing by mailing to the Board a request for an Administrative Hearing pursuant to Rule .0703 of this ~~Section, except that attempts at informal resolution shall not be required and a hearing shall be granted to an applicant whose request is postmarked prior to the date on which the Board is scheduled to act or such other date as may be specified in the notice.~~ Section.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;

Eff. ~~August 1, 1996.~~ August 1, 1996;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0703 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0703 REQUEST FOR HEARING

(a) Any applicant ~~for certification or certified individual~~ to be credentialed by this Board who believes ~~his or her~~ their rights, duties or privileges have been affected by the Board's administrative action but who has not received notice of a right to an administrative hearing, may file a formal request for a hearing to determine ~~certification or recertification.~~ eligibility to be credentialed.

(b) Before an applicant or ~~certified~~ credentialed individual may file a request, ~~he or she~~ they shall first ~~exhaust all~~ reasonable efforts attempt to resolve the issue informally with the Board.

(c) The chairperson of the Ethics Committee or ~~his or her~~ their designee may meet with the person accused of an ethical violation, if the accused so chooses, prior to requesting additional information from the complainant.

(d) Subsequent to such informal action, if still dissatisfied, the person affected shall submit a written request to the Board in an envelope bearing the notation "REQUEST FOR ADMINISTRATIVE HEARING." That request shall contain the following information:

(1) ~~Name~~ name and address of the applicant or ~~certified~~ credentialed individual;

(2) ~~Concise~~ statement of the action taken by the Board which is challenged;

(3) ~~Concise~~ statement of the way in which the applicant or ~~certified~~ credentialed individual has been aggrieved; and

(4) ~~A clear and specific~~ statement of request for a hearing.

(e) A request for a hearing shall be acknowledged ~~promptly~~ and, ~~if deemed appropriate,~~ a hearing shall be scheduled.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;

Eff. ~~August 1, 1996.~~ August 1, 1996;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0704 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0704 HEARING REQUESTS

(a) The Board shall decide whether to grant a request for a hearing at its next regularly scheduled meeting following receipt of the request.

(b) A denial of a request for a hearing shall be issued **promptly** following a decision by the Board. Such denial shall contain a statement supporting Board denial of the request.

(c) Approval of a request for a hearing shall be signified by the issuing of a notice pursuant to Rule .0705 of this Section.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;

Eff. ~~August 1, 1996.~~ August 1, 1996;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0705 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0705 NOTICE OF HEARING

Notices of administrative hearings of the Board shall include the following:

- (1) ~~The~~ the name, position, ~~address~~ address, and telephone number of a member, employee, or agent of the Board to contact for further information or discussion;
- (2) ~~A~~ a statement that failure to inform the office of the Board, within 10 days after notice is received of intent to appear at any hearing or prehearing conference scheduled in the hearing notice ~~will~~ shall be deemed a waiver of the right to a hearing;
- (3) ~~Notice~~ notice of the date and place of a prehearing conference, if any;
- (4) ~~Notice~~ notice of the date of the hearing; and
- (5) ~~Any~~ any other information ~~deemed~~ relevant to informing the party or parties as to the procedure of the hearing.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;

Eff. ~~August 1, 1996~~ August 1, 1996;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0706 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0706 WHO SHALL HEAR CONTESTED CASES

Administrative hearings shall be heard by the Board or, upon determination by the Board, the Office of Administrative Hearings, in accordance with G.S. 150B-40(e). The ~~President~~ Chair or ~~his or her~~ their designee shall be responsible for the conduct of a Board hearing.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;

Eff. August 1, 1996;

Amended Eff. ~~August 1, 2000.~~ August 1, 2000;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0707 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0707 PETITION FOR INTERVENTION

(a) Any person seeking to intervene in a contested case shall file a written petition with the Board. The envelope of such request shall bear the notation "PETITION TO INTERVENE IN THE CASE OF (NAME OF CASE)."

(b) The petition shall include the following information:

- (1) Name name and address of petitioner;
- (2) Business business or occupation of petitioner, where relevant;
- (3) Full full identification of the hearing in which petitioner is seeking to intervene;
- (4) Statutory statutory or non-statutory grounds for intervention or if none, so state;
- (5) Any any claim or defense, in respect of which intervention is sought; and
- (6) Summary summary of the arguments or evidence petitioner seeks to present.

(c) The Board shall mail copies of the petition to the parties to the case, with the costs, at the rate of twenty-five cents (0.25) per page, chargeable to the petitioner.

(d) Upon the determination of the Board to allow intervention, notice of that decision shall be issued promptly to all parties as to the petitioner. In cases of discretionary intervention, such notification shall include a statement of any limitations of time, subject matter, evidence or evidence, or whatever else is deemed necessary, which are imposed on the intervenor.

(e) Upon the Board's decision to deny intervention, the petitioner shall be notified promptly, notified. Such notice shall be in writing, shall state all reasons for the decision and shall be issued to the petitioner and to all parties.

History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;

Eff. ~~August 1, 1996~~. ~~August 1, 1996~~;

Readopted Eff. October 1, 2020.

21 NCAC 68 .0709 is readopted with changes as published in 34:24 NCR 2384 as follows:

21 NCAC 68 .0709 DISQUALIFICATION OF BOARD MEMBER

(a) Self-disqualification of Board Member. If for any reason the Board member determines that factors render ~~him~~ ~~or her~~ ~~them~~ unable to conduct or participate in the hearing and perform all duties in an impartial manner, ~~he or she~~ ~~they~~ shall ~~submit, in writing, to the~~ notify the Board Chair of ~~his or her~~ their disqualification.

(b) Petition for Disqualification. If for any reason any party in a contested case believes that the Board member personally is biased or otherwise unable to conduct or participate in the hearing and perform all duties in an impartial manner, the party may file a sworn, notarized affidavit with the Board. The envelope of such affidavit shall bear the notation: "AFFIDAVIT OF DISQUALIFICATION OF BOARD MEMBER IN THE CASE OF (NAME OF CASE)."

(c) Contents of Affidavit. The affidavit ~~must~~ shall state all facts the party deems relevant to the disqualification of the Board member.

(d) Timeliness of Affidavit. An affidavit of disqualification shall be considered timely if filed at least 10 days before commencement of the hearing. Any other affidavit shall be considered timely provided it is filed at the first opportunity after the party becomes aware of the facts which give rise to a reasonable belief that the Board member may be disqualified pursuant to this Rule.

(e) Procedure for Determining Disqualification is as follows:

(1) The ~~President~~ Chair of the Board may appoint a member of the Board to investigate the allegations of the affidavit and report his or her findings and recommendations to the Board.

(2) The ~~Board, with such assistance as it deems appropriate,~~ Board shall decide whether to disqualify the challenged individual.

(3) The person whose disqualification is to be determined ~~will~~ shall not participate in the decision but will have the right to furnish information to the Board.

(4) A record of proceedings and the reasons for decisions reached shall be maintained as part of the contested case.

(f) Disqualification or withdrawal of a Board member because of personal bias or otherwise ~~will~~ shall not cause the hearing to be postponed unless a quorum is not available.

*History Note: Authority G.S. 90-113.30; 90-113.39; 90-113.40;
Eff. ~~August 1, 1996.~~ August 1, 1996;
Readopted Eff. October 1, 2020.*