

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Licensed Clinical Mental Health Counselors

RULE CITATION: 21 NCAC 53 .0204

DEADLINE FOR RECEIPT: Friday, June 10, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

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

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

Throughout, please delete parentheticals and incorporate parenthetical material into the body of the Rule.

In your History Note, you have a reference to G.S. 90-334 and then 90-334(h). Both are unnecessary.

Also in the History Note, add a closing parenthetical around the reference to the SL on line 33.

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

21 NCAC 53 .0204 as published in NC Register Vol 36, Issue 17, page 1443 is filed for amendment as follows:

**21 NCAC 53 .0204 PROFESSIONAL DISCLOSURE STATEMENT REQUIREMENTS FOR
LCMHCA, LCMHCA AND LCMHC**

A Professional Disclosure Statement is a printed document that includes the following information:

- (1) name of licensee or applicant;
- (2) the licensee's or applicant's highest relevant degree, year degree received, discipline of degree (e.g., counseling, school counseling), and name of institution granting the degree;
- (3) names and numbers of all relevant credentials (licenses, certificates, or registrations);
- (4) number of years of counseling experience;
- (5) description of services offered and clientele (populations) served;
- (6) length of sessions, specific fee or range of fees charged per session (if no fee is charged, a statement to that effect), and methods of payments for services, including information about billing or insurance reimbursement;
- (7) an explanation of confidentiality, including responsibilities and exceptions (e.g., child or elder abuse, court order);
- (8) a statement of procedure for registering complaints, including the full name, address, and telephone number of the Board's office;
- (9) signature and date spaces for both the client and licensee; and
- (10) level of licensure and whether the licensee is under supervision. If under supervision, include name of supervisor.

A current copy of this statement shall be provided to each client prior to the performance of professional counseling services. An updated Professional Disclosure Statement shall be submitted at the time of renewal to the Board's office at 2-C Terrace Way, Greensboro, NC 27403 or electronically by uploading on the Board's website at <https://portal.ncblcmhc.org/>. The counselor shall retain a file copy of the Professional Disclosure Statement signed by each client.

*History Note: Authority G.S. 90-334; 90-334(h); 90-343;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; January 1, 2010; July 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019;
Amended Eff. January 1, 2020 (S.L. 2019-240, s.3.(k).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Licensed Clinical Mental Health Counselors

RULE CITATION: 21 NCAC 53 .0205

DEADLINE FOR RECEIPT: Friday, June 10, 2022.

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

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

In (a), line 4, should this state 3000 hours of supervised professional practice hours?

In (b), line 11, what “requirements” are you referring to? Are these counselling experience requirements?

In (b), line 12, what “endorsements” are stated in R. 304? That rule contains requirements for licensure for applicants licensed in another state.

In (b), you refer to reciprocity agreements. Do these agreements supplant the requirements of R. .0304?

Since you’re using statutory language from G.S. 90-337, I would suggest adding a reference to that statute in the History Note.

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

Brian Liebman
Commission Counsel
Date submitted to agency: June 6, 2022

21 NCAC 53 .0205 as published in NC Register Vol 36, Issue 17, page 1443 is filed for amendment as follows:

21 NCAC 53 .0205 COUNSELING EXPERIENCE

(a) The counseling experience required by G.S. 90-336(c)(2) shall include a minimum of 2000 hours of supervised professional practice hours of direct counseling experience. ~~Direct counseling experience~~ “Direct Counseling Experience” shall consist ~~consists~~ of live contact with individuals, groups, or families through counseling as defined in ~~G.S. 90-330(a)(3)a and b~~ G.S. 90-330(a)(3)a, b, and d. Experience shall be gained at a rate of no more than 40 hours per week. At least 100 hours of clinical supervision, as defined in Rule .0210 and Rule .0211 of this Section, shall be documented during the ~~minimum of~~ 3000 hours of supervised professional practice, as defined in Rule .0208 of this Section. No less than three-quarters of the hours of clinical supervision shall be individual clinical supervision.

(b) Out of state applicants shall satisfy the requirements determined by the Board to be substantially similar to or exceeding those established under Chapter 90 Article 24 and these Rules, endorsements as stated in Rule .0304, or reciprocity agreements, if applicable.

(c) For purposes of this Rule, the term “reciprocity” means the ability of a mental health counselor with an active independent license that does not require supervision and is in good standing, to practice mental health counseling in another state or U.S. jurisdiction.

History Note: Authority G.S. ~~90-330(a)(3)~~; 90-334(h),(i); 90-336(c);
Eff. July 1, 1995;
Amended Eff. July 1, 2014; January 1, 2010; July 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,
2019.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Licensed Clinical Mental Health Counselors

RULE CITATION: 21 NCAC 53 .0308

DEADLINE FOR RECEIPT: Friday, June 10, 2022.

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

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

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

In (a), what does it mean for the "office" to receive an application? Similarly, what does it mean to "process" the application fee? Do these actions occur at the same time? If not, is it more accurate to say that the application is not "received" until the fee is processed?

In (b) and (c), lines 9 and 12 respectively, please change to "his or her" as "their" is grammatically incorrect.

In (c), lines 14-15, what documents would verify the name change?

In (c), line 15, add the oxford comma following "decree."

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

21 NCAC 53 .0308 as published in NC Register Vol 36, Issue 17, page 1444 is filed for amendment as follows:

21 NCAC 53 .0308 RECEIPT OF APPLICATION

(a) All requirements for applications shall be satisfied in accordance with Article 24 of G.S. 90 and the rules of this Chapter within two years from the date of receipt of the application or the application shall be denied by the Board. Application shall be deemed to be received by the Board when the Board's office receives the application and processes the application fee. The applicant may reapply for licensure and shall be subject to the requirements at the time of reapplication.

(b) Change of Address. The applicant shall inform the Board of any change in ~~his or her~~ their mailing address or email address within 60 days after any change. Updated address information shall be submitted on forms available on the Board's website, www.ncblcmhc.org.

(c) Change of Name. The applicant shall inform the Board of any change in ~~his or her~~ their name within 60 days after any change. A name change form shall be submitted on forms available on the Board's website, www.ncblcmhc.org and shall include any required legal documentation, such as a marriage certificate accompanied by the documents verifying the name change, divorce decree or court order.

History Note: Authority G.S. 90-334(h); 90-336(a);

Eff. July 1, 1995;

Amended Eff. July 1, 2014; January 1, 2010; July 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Licensed Clinical Mental Health Counselors

RULE CITATION: 21 NCAC 53 .0601

DEADLINE FOR RECEIPT: Friday, June 10, 2022.

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

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

On line 5, you use "electronic mail" when in Rules .0308 and .0602, you've used "email." Please just be consistent between all rules.

On lines 5-6, who determines whether to send the notice by regular mail or email? The board or the applicant?

In 90-339)b, the statute says the Board "shall mail" the notice. Is it the Board's understanding that "mail" means both regular mail and email?

On line 6, with respect to "the person licensed for the current licensure period" would it change the meaning to say "the licensee" instead?

On lines 8-9, is this last sentence out of place? It doesn't seem to be relevant to the renewal period. I would suggest moving it to another more applicable rule during your next round of rulemaking, if there isn't a rule currently under review that would be appropriate.

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

Brian Liebman
Commission Counsel
Date submitted to agency: June 6, 2022

21 NCAC 53 .0601 as published in NC Register Vol 36, Issue 17, page 1444 is filed for amendment as follows:

21 NCAC 53 .0601 RENEWAL PERIOD

Newly issued licenses shall be effective upon the date of issuance by the Board and shall expire on the second June 30 thereafter. At least 45 days prior to expiration of each license, the Board shall mail by regular U.S. mail or electronic mail a notice for license renewal to the person licensed for the current licensure period. The renewal period for a newly issued license may be less than two years. Following the first renewal of a newly issued license, the renewal period shall be two years and shall run from July 1 in the first year through June 30 in the second year. A licensee whose license has been suspended shall not practice until the license is renewed.

History Note: Authority G.S. 90-334(h); 90-339;

Eff. July 1, 1995;

Amended Eff. July 1, 2014;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Licensed Clinical Mental Health Counselors

RULE CITATION: 21 NCAC 53 .0602

DEADLINE FOR RECEIPT: Friday, June 10, 2022.

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

In (a), line 7, what are you requiring when you ask licensees to provide "licensure or credentials"?

In (b) and (c), lines 15 and 18 respectively, please change to "his or her" as "their" is grammatically incorrect.

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

21 NCAC 53 .0602 as published in NC Register Vol 36, Issue 17, page 1445 is filed for amendment as follows:

21 NCAC 53 .0602 RENEWAL FOR LICENSURE FORM; ADDRESS CHANGE; NAME CHANGE

(a) License renewal information shall be on the Renewal for Licensure forms available on the Board's website www.ncblcmhc.org and submitted either electronically or mailed in paper format to the Board's office as set forth in Rule .0204 of this Chapter. The licensee shall provide general contact information, including the licensee's email address, licensure or credentials, and all continuing counselor education information for the past two years. All requested information shall be provided and the forms shall be signed and dated. Documents that shall be included with the renewal form are the following:

- (1) certificate of completion of the jurisprudence examination for the level of license that is being renewed;
- (2) the ethics attestation statement;
- (3) an updated Professional Disclosure Statement; and
- (4) payment of renewal fee.

(b) Change of Address. The licensee shall inform the Board of any change in ~~his or her~~ their mailing address or email address within 60 days after any change. Updated address information shall be submitted on forms available on the Board's website, www.ncblcmhc.org.

(c) Change of Name. The licensee shall inform the Board of any change in ~~his or her~~ their name within 60 days after any change. A name change form shall be submitted on forms available on the Board's website, www.ncblcmhc.org and shall include any required legal documentation, as a marriage certificate, divorce decree, or court order.

History Note: Authority G.S. 90-334(g); 90-336(a); 90-339(b);

Eff. July 1, 1995;

Amended Eff. July 1, 2014;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.

21 NCAC 53 .0604 as published in NC Register Vol 36, Issue 17, page 1445 is filed for amendment as follows:

**21 NCAC 53 .0604 FAILURE TO SECURE SUFFICIENT CONTINUING EDUCATION/RENEWAL
OF LICENSE**

Licensed clinical mental health counselor associates, licensed clinical mental health counselors, and licensed clinical mental health counselor supervisors who fail to document sufficient continuing counselor education to renew their licenses by the expiration date of June 30 shall be notified in writing by the Board of the deficiencies, that their licenses have expired, and that the licensee shall not practice until it is renewed. Licensed clinical mental health counselor associates, licensed clinical mental health counselors, and licensed clinical mental health counselor supervisors who are unable to provide documentation of sufficient continuing counselor education to renew their licenses have the following options:

- (1) Within one year of expiration, licensed clinical mental health counselor associates, licensed clinical mental health counselors, and licensed clinical mental health counselor supervisors shall complete the required hours of continuing counselor education and an additional 20 hours of continuing counselor education for the purpose of renewal of the expired license. Continuing counselor education acquired during this additional time period for the purpose of renewal of an expired license shall not applied to the next renewal period. Once these requirements have been met, the license shall be renewed.
- (2) Request an extension in writing from the Board. Requests shall be received by the Board no later than May 1st of the year of expiration. An extension shall be granted for:
 - (a) military deployment;
 - (b) major illness documented by a licensed healthcare provider, lasting longer than three months of self, partner, or child; or of self or a member of an immediate family, such as a partner, child, parent, sibling, or dependent; or
 - (c) death of ~~partner or child~~ a member of an immediate family, such as partner, child, parent, sibling, or dependent.

Extensions shall be granted for a period of up to one year. If the extension is approved, any continuing counselor education acquired during the extension shall not be applied to the next renewal period. Once these requirements have been met, the license shall be renewed and the licensee may resume practice.

Failure to complete one of the above listed options shall mean that a license shall be reissued only upon a new application for a license, and all current licensure requirements shall apply to the new application.

*History Note: Authority G.S. 90-334(g),(h); 90-339;
Eff. July 1, 1995;
Amended Eff. July 1, 2014; January 1, 2010;*

1 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,*
2 *2019;*
3 *Amended Eff. January 1, 2020 (S.L. 2019-240, s. 3.(k)).*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Board of Licensed Clinical Mental Health Counselors

RULE CITATION: 21 NCAC 53 .0902

DEADLINE FOR RECEIPT: Friday, June 10, 2022.

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

*On line 6, you use "electronic mail" when in Rules .0308 and .0602, you've used "email."
Please just be consistent between all rules.*

On lines 5-6, who determines whether to send the notice by regular mail or email? The board or the entity?

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

21 NCAC 53 .0902 as published in NC Register Vol 36, Issue 17, page 1448 is filed for amendment as follows:

21 NCAC 53 .0902 RENEWAL OF CERTIFICATE OF REGISTRATION FOR A PROFESSIONAL ENTITY

A notification for renewal of professional corporation or professional limited liability company shall be sent by either U.S. mail or electronic mail to each registered entity a minimum of 60 days prior to the December 31 expiration date. The Board shall renew the certificate of registration upon receipt of the completed written renewal application of the holder and the renewal fee. Failure to renew by the due date shall result in notification to the Secretary of State's Office to suspend the Articles of Incorporation or Articles of Organization.

History Note: Authority G.S. 55B-11; 57D-2-01(c); 90-334(h);

Eff. July 1, 2014;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.