

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

AGENCY: STATE BOARD OF LICENSED CLINICAL MENTAL HEALTH
COUNSELORS

RULE CITATION: 21 NCAC 53 .0312

DEADLINE FOR RECEIPT: September 16, 2026

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:

Form 400- Box 9 You indicated that the agency prompted this action but session law 2021 N.C. HB 791 seems to require the implementation. If the session law was the prompt, please correct and refile the form.

(a) Line 5, while correct and in compliance with our guidelines, I would still suggest you consider the average citizen reading these rules and edit for clarity. Consider "In accordance with G.S. 90-349.15, Rules .0205, .0206, and .0304 of this Chapter shall not apply to applicants under this Rule."

(a) Line 6- Beginning on line 6 and continuing through the rule, you utilize many terms defined in G.S. 90-349.2. including member state, privilege to practice, encumbrance, home state, jurisprudence requirement, as well other terms including National Practitioner Identifier, North Carolina privilege number. Please reference that you are utilizing the definitions from the statute or create a definition section in the rule for clarity.

(a) Line 7 is there another type of "privilege to practice" other than active? Based on the definition in G.S. 90-349.2 and the information in 90-349.4 it seems that you have the privilege or you don't, there is no "inactive." If this is true, please delete the unnecessary modifier for clarity.

(a) Line 8-9 change "primary residence" to "home state" to be consistent with the statute and avoid confusion or additional definitions.

(a) Line 10 change "must" to "shall" and edit for passive voice. Consider "The application form shall contain the following information and documentation:" Also, is this the most direct URL for the application? If not please update.

(a)(1) Line 11 What does "complete" mean? Full legal name? Please clarify.

Meghan Barney
Commission Counsel
Date submitted to agency: September 2, 2026

(a)(11) Lines 25-29 Please correct formatting. There should be a full tab after each list marker (A), (B), (C), (D), and (E).

(a) (17) Page 2, Line 3 Where are these forms that applicants must complete? Are they referenced in another rule/statute by the agency that processes them? If so, then please cite that rule or statute. Otherwise, if you are creating these forms then G.S. 150B-2(8a)d requires the contents or substantive requirements to be included in a rule or statute. See the guidance document on Forms located on the OAH website. <https://www.oah.nc.gov/rrc-final-guidance-forms/open>

(b) Line 8 change "must" to "shall"

History Note, Line 13 consider adding G.S. 90-349.15 as an authority for the suspension of other rules in (a) at Line 5.

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

21 NCAC 53 .0312 is adopted as published in 40:20 NCR 1621-22 as follows:

**21 NCAC 53 .0312 LICENSURE BY VIRTUE OF PRIVILEGE AND CHANGE OF RESIDENCY
UNDER PROFESSIONAL COUNSELING LICENSURE COMPACT**

(a) Pursuant to G.S. 90-349.5, and notwithstanding the requirements of Rules .0205, .0206, and .0304 of this Chapter, an individual licensed by another member state of the Professional Counseling Licensure Compact, and who holds an active privilege to practice in this State, may apply for licensure as a Licensed Clinical Mental Health Counselor by virtue of the privilege if North Carolina has become the individual's primary residence. The privilege holder seeking licensure based on change of primary residency shall submit an application on the form furnished by the Board at www.ncblcmhc.org. The following information and documentation must be provided with the application form:

(1) Complete name;

(2) Date of birth;

(3) Social Security Number;

(4) National Practitioner Identifier;

(5) Any other name by which the applicant was known in the past, accompanied by a certified copy of a court order of name change, if applicable;

(6) Home phone number;

(7) Work phone number;

(8) Cell phone number;

(9) Email address;

(10) Primary residential address, dates of residency at that address, and any other primary residential addresses in the 12 consecutive months prior to submitting the application;

(11) Proof of applicant's primary residency in North Carolina, including any of the following documentation for the applicant:

(A) filed North Carolina state income tax return for the most recent year;

(B) deed demonstrating ownership of property in North Carolina where the applicant resides;

(C) unexpired North Carolina driver's license;

(D) active registration to vote in North Carolina; or

(E) active registration in North Carolina of a vehicle owned by applicant;

(12) Identification of current home state, home state license number, current license status, any prior disciplinary or administrative action, and expiration date of home state license;

(13) North Carolina privilege number;

(14) A statement regarding any existing or prior encumbrance or restriction on any state-issued license or privilege and the dates of such encumbrance or restriction;

(15) A statement regarding any adverse action, including disciplinary action, taken against the applicant's license or privilege in any state;

1 (16) The applicant's Professional Disclosure Statement meeting the requirements of Rule .0204 of this
2 Chapter;

3 (17) A completed fingerprint record card and signed release of information form authorizing the Board
4 to request a fingerprint-based criminal history record check from the Federal Bureau of Investigation
5 and the North Carolina State Bureau of Investigation; and

6 (18) Documentation of successful completion of the jurisprudence exam published on the Board's
7 website, completed within six months prior to seeking licensure.

8 (b) Pursuant to G.S. 90-349.5(b), the applicant for licensure must pay the application fee set forth in Rule .0501 of
9 this Chapter.

10 (c) Once a privilege is converted to a home state license, applicant shall notify their former home state that North
11 Carolina is their new home state under the Compact.

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13 *History Note: Authority G.S. 90-334; 90-349.3; 90-349.4; 90-349.5;*
14 *Eff. October 1, 2026.*
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