

CHAPTER 63 – SOCIAL WORK CERTIFICATION

SECTION .0100-GENERAL

21 NCAC 63 .0101 PURPOSE

*History Note: Authority G.S. 90B-2; 90B-6;
Eff. August 1, 1987;
Temporary Amendment Eff. October 1, 1999;
Repealed Eff. April 1, 2001.*

21 NCAC 63 .0102 DEFINITIONS

Whenever used in this Chapter, the definitions set forth in G.S. 90B-3 are herein incorporated by reference. The following definitions apply in this Chapter:

- (1) CMSW - this designation represents the certified master social worker level of certification.
- (2) CSW - this designation represents the certified social worker level of certification.
- (3) CSWM - this designation represents the certified social work manager level of certification.
- (4) LCSW - this designation represents the licensed clinical social worker level of certification.
- (5) LCSWA - this designation represents the licensed clinical social worker associate level of certification.
- (6) NCSWCLB - this designation represents the North Carolina Social Work Certification and Licensure Board.
- (7) Censure. Censure is an act involving severe condemnation and a sanction by the Board for practice misconduct. Censuring is typically for severe offenses and may require specific follow-up actions by the social worker.
- (8) Client. Client means the individual, couple, family, group, organization, or community that seeks or receives social work services. Client status is not dependent on billing or payment of fees for such services. A power of attorney, legal guardian or person who is responsible for making decisions relative to the provision of social work services for a minor or adult is also deemed a recipient of social work services as part of the client system.
- (9) Client system. Client system means the client and those in the client's environment who are potentially influential in contributing to a resolution of the client's issues.
- (10) Clinical Case Management. A comprehensive approach to care integrating a broad array of interventions to include planning, implementation and management of care for clients with one or more of the following: mental, emotional, addictive, behavioral, or developmental disorders and conditions. Interventions by the clinical case manager shall involve face-to-face contact with the client on a regular basis, shall be grounded in clinical social work theory, and shall be guided by the client's treatment plan or personal care plan.
- (11) Clinical Social Work Experience. As it relates to the work experience required for LCSW licensure, two years of clinical social work experience in direct practice means the professional application of master or doctoral social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial function. Clinical social work experience requires the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis, and treatment, including the use of psychotherapy, to treat one or more of the following disorders or conditions: mental, emotional, addictive, behavioral, or developmental disorders and conditions. In addition, the clinical social work experience may also include clinical case management, information and referral, mediation, client education, clinical supervision and clinical consultation that is directly related to the treatment plan or personal care plan of a client or consumer.
- (12) Diagnosis. In the context of licensed clinical social work practice diagnosis is the process of distinguishing, beyond the general social work assessment, among one or more of the following: mental, emotional, addictive, behavioral, or developmental disorders and conditions within a psychosocial framework on the basis of their similar and unique characteristics consistent with American Psychiatric Association or World Health Organization classification systems.
- (13) Probation. Probation is a period of time in which a license or certification is subject to specific practice conditions determined by the Board. The individual is permitted to continue practice subject

to compliance with the conditions set forth in the order determining the probation status. A violation of the conditions of probation can result in additional disciplinary action taken by the Board.

- (14) Reprimand. Reprimand is a public rebuke and sanction by the Board for practice misconduct. A reprimand typically is given for less severe offenses and may require specific follow-up actions by the social worker.
- (15) Revocation. Revocation is the withdrawal of privilege to practice as a certified or licensed social worker in the State of North Carolina.
- (16) Surrender. Surrender is the voluntary relinquishment of a certification or license by its holder. The surrender of a certification or license shall be accepted only by Consent Order with the Board.
- (17) Suspension. Suspension is the withdrawal of privilege to practice for a specific period of time.
- (18) Treatment. Clinical social work intervention, including individual, couples, family, or group psychotherapy, that is empirically grounded and used to help resolve symptoms of one or more of the following: mental, emotional, addictive, behavioral, or developmental disorders and conditions.

History Note: Authority G.S. 90B-3; 90B-6;
Eff. August 1, 1987;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. October 1, 2012; July 1, 2011; January 1, 2009; July 1, 2000;
Readopted Eff. February 1, 2017.

21 NCAC 63 .0103 PROHIBITIONS

History Note: Authority G.S. 90B-4; 90B-6;
Eff. August 1, 1987;
Temporary Repeal Eff. October 1, 1999;
Repealed Eff. July 1, 2000.

21 NCAC 63 .0104 ORGANIZATION OF THE BOARD **21 NCAC 63 .0105 MEETINGS**

History Note: Authority G.S. 90B-5; 90B-6;
Eff. August 1, 1987;
Temporary Amendment Eff. October 1, 1999;
Repealed Eff. April 1, 2001.

21 NCAC 63 .0106 ANNUAL REPORTS

- (a) Not later than October 31 of each year, the Board shall file the reports required by G.S. 93B-2.
- (b) In the event the reports required by G.S. 93B-2 are not timely filed, and the Board's authority to expend any funds is suspended, the Board shall continue to issue and renew licenses and deposit any fees or funds received during the period of suspension into an escrow account established by the Board solely for this purpose.
- (c) The Board shall not expend the fees or funds until the Board has filed the required reports in accordance with G.S. 93B-2.

History Note: Authority G.S. 93B-2;
Eff. July 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

SECTION .0200 - CERTIFICATION

21 NCAC 63 .0201 DEFINITIONS

History Note: Authority G.S. 90B-3; 90B-5; 90B-6;
Eff. August 1, 1987;
Amended Eff. September 1, 1993;

*Temporary Repeal Eff. October 1, 1999;
Repealed Eff. July 1, 2000.*

21 NCAC 63 .0202 APPLICATION PROCESS

(a) Pursuant to G.S. 90B-7, any person desiring to obtain a certificate or license from the Board shall make application to the Board. Applications not completed within two years of submission to the Board shall be denied. Application forms and instructions may be found on the Board's website at <https://www.ncswboard.org>.

(b) All applications for certification or licensure shall contain the following:

- (1) the applicant's contact information;
- (2) the social security number of the applicant;
- (3) the requested designation of licensure or certification type;
- (4) educational history and degree attainment;
- (5) the names and contact information of three persons supplying professional reference forms in support of the applicant's application, as well as the length of time that the persons have known the applicant;
- (6) employment history;
- (7) whether the applicant has ever been certified, licensed, or registered to practice social work by the Board, by another occupational Board, or in another state/jurisdiction and, if so:
 - (A) what credential was held;
 - (B) in what state/jurisdiction;
 - (C) the issuance date and expiration date; and
 - (D) what examinations were taken to obtain said certification, licensure, or registration;
- (8) whether the applicant has ever had a credential denied, limited, reprimanded, suspended, or revoked;
- (9) whether the applicant has ever been convicted of a felony or misdemeanor under any laws;
- (10) whether any criminal charges are pending against the applicant;
- (11) whether any court, board, agency, or professional organization has found the applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice;
- (12) whether any charges are pending against the applicant before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice;
- (13) three professional references, as prescribed in 21 NCAC 63 .0204, provided in a sealed envelope with the signature of the reference over the sealed closure;
- (14) official score reports showing passage of the required examination, as prescribed herein and in 21 NCAC 63 .0301, provided from the examination testing provider;
- (15) official transcripts, as prescribed in 21 NCAC 63 .0203, provided either from the institution directly to the Board or from the applicant to the Board in an envelope that is sealed by the institution;
- (16) the applicant's affirmation that:
 - (A) the applicant has read the North Carolina General Statute 90B Social Work Certification and Licensure Act, including the Board's rules, ethical guidelines, and disciplinary procedures, which are available on the Board's website at <https://www.ncswboard.org>;
 - (B) the information provided by the applicant in the application is true;
 - (C) the applicant consents to a criminal history record check; and
 - (D) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding 12-month period, as prescribed by G.S. 143-789; and
- (17) the application fee, as prescribed in 21 NCAC 63 .0208.

(c) In addition to the items set forth in Paragraph (b) of this Rule, applicants for certification as a certified social work manager shall provide a completed CSWM Administrative Supervision Form, as prescribed in Paragraph (e) of this Rule, and an Employment Verification Form, as prescribed in Paragraph (f) of this Rule, to demonstrate supervised administrative experience attained in the preceding six years.

(d) Applicants for licensure as a licensed clinical social worker who are licensed by the Board as licensed clinical social worker associates at the time of application shall provide to the Board the LCSW Short-Form Application, which contains the following:

- (1) the applicant's name, the number of the applicant's licensed clinical social worker associate license, and contact information;
- (2) the signature of the applicant and the applicant's LCSW supervisor;

- (3) whether the LCSW supervisor recommends that the applicant continue supervised clinical practice at the LCSWA level or recommends the applicant for LCSW licensure;
 - (4) the applicant's certification that:
 - (A) the applicant has completed the requirements to obtain licensure in North Carolina as a LCSW as set forth in G.S. 90B-7(d);
 - (B) the applicant has read the North Carolina General Statute 90B Social Work Certification and Licensure Act, and the Board's rules, ethical guidelines, and disciplinary procedures, which are available on the Board's website at <https://www.ncswboard.org>, and agrees to comply with them;
 - (C) the information provided by the applicant in the application is true;
 - (D) the applicant has not violated any of the Board's governing statutes or rules; and
 - (E) the applicant has not been convicted of a misdemeanor or felony crime since submitting his or her initial application for associate licensure;
 - (5) the application fee, as prescribed in 21 NCAC 63 .0208; and
 - (6) a list of all continuing education hours taken since the applicant was licensed as a LCSWA or since renewal of LCSWA licensure that provides the name of the course taken, the date on which the course was taken, the length of the course taken, and whether the course taken was distance learning or for ethics.
- (e) A CSWM Administrative Supervision Form shall contain the following:
- (1) the name of the applicant and his or her supervisor;
 - (2) the applicant's position;
 - (3) a description of the applicant's administrative duties and responsibilities for the employer;
 - (4) where the applicant worked during the time that supervision was provided to the applicant;
 - (5) dates during which the applicant was employed;
 - (6) total number of hours during which the applicant was employed;
 - (7) dates during which the supervisor provided administrative supervision;
 - (8) total number of hours during which the supervisor provided individual administrative supervision to the applicant;
 - (9) total number of hours during which the supervisor provided group administrative supervision to the applicant;
 - (10) total combined hours of individual and group hours provided to the applicant; and
 - (11) the supervisor's certification that the information set forth in the CSWM Administrative Supervision Form is correct and that the supervisor is certified with the Board on at least one level and has a minimum of two years of administrative experience in a social work or mental health setting.
- (f) An Employment Verification Form shall be completed for each place of employment where the applicant has worked over the preceding six years and shall contain the following:
- (1) the applicant's name and contact information;
 - (2) the applicant's license number, if a license is held;
 - (3) the name and contact information of the applicant's place of employment;
 - (4) the title of the applicant's position;
 - (5) whether the applicant is authorized to provide clinical services on behalf of the employer;
 - (6) the applicant's duties for the employer, as documented in a job description on the employer's letterhead;
 - (7) the name and license number of the applicant's clinical supervisor;
 - (8) whether the applicant's supervisor provided supervision to the applicant in person or remotely;
 - (9) the date of the applicant's employment;
 - (10) whether the applicant was employed full-time, part-time, or pro re nata;
 - (11) whether the applicant is paid a fee or salary for services performed; and
 - (12) the employer's signature, contact information, and the date completed.

On the Employment Verification Form, the applicant shall provide the information requested in Subparagraphs (f)(1)-(2) of this Rule and the applicant's employer shall provide the information requested in Subparagraphs (f)(3)-(12) of this Rule.

*History Note: Authority G.S. 90B-6; 90B-7; 93B-8.1(c);
Eff. August 1, 1987;*

Temporary Amendment Eff. October 1, 1999;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.

21 NCAC 63 .0203 TRANSCRIPTS

Applicants must have official transcripts sent from institutions where their highest social work degrees have been conferred. If transcript course titles do not convey the content of the courses, the applicant shall provide clarifying documentation from the institution.

History Note: Authority G.S. 90B-7;
Eff. August 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.

21 NCAC 63 .0204 REFERENCES

(a) Applicants for all classifications shall have a minimum of three references related to the applicant's social work experience. The Board shall not accept references by relatives, clients, or subordinates of applicants. A current Board member shall not submit a reference for an applicant unless the Board member is the applicant's current or only social work supervisor. In such a case the Board member may submit a reference, but the Board member shall recuse from review of that applicant.

(b) All references shall come from individuals who have or had a professional association with the applicant and have knowledge of the applicant's professional experience in the practice of social work.

(c) For applicants for LCSWA licensure, at least one reference shall be from a person who has been or is currently supervising the applicant in a social work setting.

(d) For applicants from other jurisdictions seeking certification or licensure in accordance with G.S. 90B-8, at least one reference shall be from a registered, certified, or licensed social worker who has been or is currently practicing in a social work setting.

(e) All references shall be on a form prescribed by the Board, which is available on the Board's website at ncswboard.org, and shall contain the following:

- (1) the name of the applicant and the classification for which the applicant is applying;
- (2) the name of the person completing the reference;
- (3) the applicant's signature and applicant's indication as to whether or not the applicant waives the right to access the information provided by the person completing the reference;
- (4) the profession of the person completing the reference;
- (5) the position of the person completing the reference;
- (6) the relationship between the applicant and the person completing the reference;
- (7) how long the person completing the reference has known the applicant;
- (8) whether the person completing the reference believes that he or she has limited, moderate, or thorough knowledge of the applicant's professional qualifications;
- (9) whether the applicant has ever been guilty of unprofessional conduct, dishonest practice, incompetence, or fraud, if known by the person completing the reference;
- (10) if the person completing the reference is aware of any issues such as substance abuse or emotional disorders that would impair the applicant's ability to practice;
- (11) if the person completing the reference has any concerns about the applicant that he or she would like to bring to the Board's attention and if so, a description;
- (12) a rating of poor, good, superior, or unknown for the applicant's professional judgement, ethical conduct, competence and skill, ability to convey concern and empathy, record keeping, client relationships, written communication, verbal communication, and social work knowledge base;
- (13) whether the person completing the reference, in his or her discretion, would recommend the applicant highly without reservation; recommend the applicant as qualified and competent; recommend the applicant with some reservation and if so, to explain accordingly; or would not recommend the applicant and if not, to explain accordingly;

- (14) a narrative of the applicant's strengths, weaknesses, special skills, reservations, or other information related to the applicant's suitability for certification or licensure, including any reservations held by the person completing the reference regarding the applicant; and
- (15) the signature and contact information of the person completing the reference.

History Note: Authority G.S. 90B-6; 90B-7; 90B-8;
Eff. August 1, 1987;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. January 1, 2009; April 1, 2001;
Readopted Eff. February 1, 2017;
Amended Eff. October 1, 2021.

21 NCAC 63 .0205 ACADEMIC QUALIFICATIONS
21 NCAC 63 .0206 ACADEMIC EXEMPTIONS
21 NCAC 63 .0207 COMITY

History Note: Authority G.S. 90B-6; 90B-7; 90B-8; 90B-10;
Eff. August 1, 1987;
Temporary Repeal Eff. October 1, 1999;
Repealed Eff. July 1, 2000.

21 NCAC 63 .0207 SUBSTANTIAL EQUIVALENCY

- (a) In addition to the items set forth in 21 NCAC 63 .0202(b), applicants for certification as a certified social worker pursuant to G.S. 90B-8 shall provide verification of current certification, license, or registration in good standing to practice social work in another jurisdiction and certified proof of having passed the ASWB Bachelors Level Examination.
- (b) In addition to the items set in 21 NCAC 63 .0202(b), applicants for certification as a certified master social worker pursuant to G.S. 90B-8 shall provide verification of current certification, license, or registration and certified proof of having passed the ASWB Masters Level Examination or ACSW exam.
- (c) In addition to the items set forth in 21 NCAC 63 .0202(b), applicants for certification as a certified social work manager pursuant to G.S. 90B-8 shall provide:
 - (1) verification of current licensure in good standing to practice social work in another jurisdiction;
 - (2) a copy of the state or jurisdiction law determining the qualifications under which the applicant was certified in the other state or jurisdiction; and
 - (3) certified proof that the applicant has passed the ASWB Advanced Generalist Exam.
- (d) In addition to the items set forth in 21 NCAC 63 .0202(b), applicants for licensure as a licensed clinical social worker pursuant to G.S. 90B-8 shall provide verification of a current and active license in good standing to practice social work in another jurisdiction and certified proof of having passed the ASWB Clinical Level Examination. If the applicant has not passed the ASWB Clinical Level Examination at the time of application, the applicant must provide a copy of the state/jurisdiction law determining the qualifications under which the applicant was licensed to practice social work in the other state or jurisdiction so that the Board can determine the applicant's eligibility to take the ASWB Clinical Examination.
- (e) In addition to the items set forth in 21 NCAC 63 .0202(b), applicants for licensure as a licensed clinical social worker associate pursuant to G.S. 90B-8 shall provide:
 - (1) verification of current and active licensure in good standing to practice social work in another jurisdiction;
 - (2) an Employment Verification Form, as prescribed in 21 NCAC 63 .0202(f), that sets forth the total number of hours and dates of paid supervised post-MSW practice in a clinical setting from each employer for which the applicant has practiced clinical social work in the preceding six years, provided in a sealed envelope with the employer's signature on the envelope's sealed closure; and
 - (3) a Clinical Social Work Supervision Form, as described in Paragraph (f) of this Rule, from each person who previously has provided clinical supervision to the applicant during the four years preceding the application, provided in a sealed envelope with the signature of the applicant's clinical supervisor on the envelope's sealed closure.

(f) A Clinical Social Work Supervision Form shall be on a form prescribed by the Board, which is available on the Board's website at ncswwboard.org, and shall contain the following:

- (1) the name of the applicant and his or her clinical supervisor;
- (2) the applicant's position;
- (3) a description of the applicant's clinical social work duties and responsibilities with information about the population served by applicant, problems addressed, assessment, and treatment modalities used for treatment and diagnosis of mental and emotional disorders;
- (4) where the applicant worked;
- (5) dates during which the applicant was employed;
- (6) total number of hours during which the applicant was employed;
- (7) dates during which the clinical supervisor provided supervision to the applicant;
- (8) total number of hours during which the clinical supervisor provided individual supervision to the applicant;
- (9) total number of hours during which the clinical supervisor provided group supervision to the applicant;
- (10) total combined hours of individual and group supervision that clinical supervisor provided to the applicant; and
- (11) the clinical supervisor's certification that the information set forth in the Clinical Social Work Supervision Form is correct; that the clinical supervisor is certified, licensed, or registered as a clinical social worker with a graduate degree in social work from a program accredited by the Council on Social Work Education and has at least two years of clinical social work experience post-licensure.

History Note: Authority G.S. 90B-6; 90B-7; 90B-8;
Eff. August 1, 1987;
Temporary Repeal Eff. October 1, 1999;
Repealed Eff. July 1, 2000;
Eff. October 1, 2021 (Codifier approved agency request to reuse rule number).

21 NCAC 63 .0208 APPLICATION FEE

Each applicant for certification or licensure by the Board shall submit an initial application fee of one hundred and forty-five dollars (\$145.00) with the application, unless otherwise exempt under G.S. 93B-15.1. An applicant applying for multiple levels of certification or licensure within one application must submit an application fee of one hundred and forty-five dollars (\$145.00) per each level for which the applicant applies. Application fees shall not be paid by personal check or cash.

History Note: Authority G.S. 90B-6; 90B-6.2;
Eff. August 1, 1987;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. August 1, 2012; July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.

21 NCAC 63 .0209 EXAM ELIGIBILITY

(a) The Board shall review each application submitted pursuant to 21 NCAC 63 .0202 and .0207 to determine whether an applicant possesses the educational, supervision, and examination qualifications for eligibility for a particular level of certification or licensure, pursuant to G.S. 90B-7. To be considered eligible to take the Clinical examination, an applicant must have two years of experience in a clinical social work setting documented with the Board and a MSW. To be considered eligible to take the Advanced Generalist examination, an applicant must have two years of experience in an administrative social work setting.

(b) An applicant shall be notified in writing if found to be ineligible for the requested level of certification. If an applicant is found ineligible for the particular level of certification or licensure for which the applicant has applied, the applicant may request in writing to the Board that the applicant be considered for eligibility for another level of certification or licensure for which the applicant possesses the minimum education, supervision, and examination qualifications. Such request must be made no later than 30 days following the date on which the applicant received

written notification of ineligibility, as set forth in Paragraph (a) of this Rule. If an applicant is found to be ineligible for any level of certification or licensure, the applicant shall not be allowed to sit for any examination.

(c) If an applicant is found eligible for the particular level of certification or licensure for which the applicant has applied, the Board shall issue the applicant notification of exam candidacy approval. Upon receipt, the applicant shall submit to the Board an Exam Request Form or Clinical Exam Request Form, as described in Paragraph (e) and (f) of this Rule, and the fee set forth in 21 NCAC 63 .0306 to initiate the exam process.

(d) Upon receipt of the applicant's Exam Request Form and the fee set forth in 21 NCAC 63 .0306, the Board shall forward to the applicant instructions for registering to sit for the examination and the deadline by which the exam eligibility shall expire, which is determined in accordance with the ASWB Examination Candidate Handbook that is available at <http://aswb.org>. If the applicant fails to take the examination before the deadline by which the exam eligibility shall expire, the applicant must submit another Exam Request Form and the fee set forth in 21 NCAC 63 .0306 in order to take the examination. If the applicant takes but fails the examination, the applicant must submit another Exam Request Form and the fee set forth in 21 NCAC 63 .0303 in order to re-take the examination, even if the expiration date has not yet occurred. An applicant must wait at least 90 days from the date on which the applicant took the examination before re-taking the examination.

(e) An applicant desiring to take an examination other than the ASWB Clinical level examination shall submit to the Board an Exam Request Form, which is available on the Board's website at <https://www.ncswboard.org>, that shall contain the following:

- (1) the applicant's name and address;
- (2) the applicant's social security number; and
- (3) the type of examination for which the applicant is approved to sit.

(f) An applicant desiring to take the ASWB Clinical level examination shall submit to the Board a Clinical Exam Request Form, which is available on the Board's website at <https://www.ncswboard.org>, only after completing two years of clinical practice. The Clinical Exam Request Form shall contain the following:

- (1) the name and license number of the applicant;
- (2) the contact information, date of birth, and signature of the applicant;
- (3) the name, license number, and signature of the applicant's clinical supervisor; and
- (4) the attestation of the applicant's clinical supervisor that the applicant has completed two years of clinical practice and is qualified to take the ASWB Clinical level examination.

*History Note: Authority G.S. 90B-6; 90B-6.2;
Eff. August 1, 1987;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.*

21 NCAC 63 .0210 ASSOCIATE LICENSES

(a) Applicants for licensure as a LCSWA shall provide an application to the Board, as set forth in 21 NCAC 63 .0202(b), and shall comply with the requirements of this Rule.

(b) Prior to practicing clinical social work, associates must demonstrate in writing through an emergency crisis plan that, in the event of a clinical emergency, they have immediate access to at least one licensed mental health professional who has agreed to provide to them emergency clinical consultation to assure that compliance with the North Carolina statutes and rules governing clinical social work practice are maintained. For purposes of this Rule, "immediate" shall mean within one hour. The emergency crisis plan shall be submitted on a form prescribed by the Board that is available on the Board's website. The emergency crisis plan outline must be submitted for each location where the associate practices and shall provide the following:

- (1) the name, address, and contact information for the LCSWA practice;
- (2) a description of the practice setting that provides whether the practice is in a home, an office setting, and whether the LCSWA practices with other practitioners;
- (3) a hierarchy of initial contact persons, if more than one contact person is identified; where each person is located; and his or her estimated response time;
- (4) a plan for follow-up consultations with the LCSWA's clinical supervisor if an alternate emergency contact was consulted at the time of need; and

- (5) signatures and license numbers of the LCSWA, the LCSW supervisor, and the emergency consultant back-up provider.

Each licensed clinical social worker associate shall notify the Board in writing within seven days of any change in such access by resubmission of an emergency crisis plan outline form.

(c) Prior to practicing clinical social work, associates shall provide to the Board an Employment Verification for LCSWA form that contains the following:

- (1) the associate's name, address, contact information, license number, and license issuance and expiration dates;
- (2) the name and address of the agency for which the associate intends to work;
- (3) the associate's current position title and a copy of the job description;
- (4) whether the associate is authorized by the employer to provide clinical services;
- (5) the name of the associate's LCSW clinical supervisor and whether the supervisor is located on-site or off-site;
- (6) whether the associate is being paid a fee or salary;
- (7) dates during which the associate is working full-time, part-time, or as needed; and
- (8) the name and signature of the person completing the form on behalf of the employer.

(d) Each associate licensee must be supervised as set forth in G.S. 90B-7(f) and receive on-going appropriate supervision as defined in Rule .0211(a)(2) of this Chapter until the qualifying examination has been passed and the Licensed Clinical Social Worker license is issued.

(e) All associate licensees shall submit reports of their clinical social work experience and supervision on a form prescribed by the Board and made available on the Board's website every six months for review and evaluation by the Board. This six-month review form shall contain the following:

- (1) the associate's name, LCSWA license number, and contact information for the associate;
- (2) the associate's place of employment and an employment verification form, as prescribed in 21 NCAC 63 .0202(f), if not previously provided to the Board;
- (3) the associate's signature and date submitted;
- (4) an acknowledgment from the associate's LCSW supervisor as to whether:
 - (A) a position statement on clinical supervision, available on the Board's website at <https://www.ncswboard.org>, has been signed and submitted to the Board;
 - (B) an emergency crisis plan, as set forth in Paragraph (b) of this Rule, has been submitted to the Board;
 - (C) a supervisory log has been maintained and is available upon request to verify documented supervision; and
 - (D) a case narrative summarizing one case treated during this review period has been prepared, reviewed, and is on file and available for Board review, if needed;
- (5) a rating of the associate by the associate's LCSW supervisor in all the following categories:
 - (A) ethical standards of social work practice;
 - (B) effective use of supervision;
 - (C) competence in social work practice;
 - (D) professional growth and development;
 - (E) consistency of performance effort;
 - (F) knowledge of social work principles and practices;
 - (G) ability to formulate a treatment plan appropriate to the clients' needs;
 - (H) ability to implement interventions consistent with the treatment plan;
 - (I) supervisee's ability to assess his or her own capacities and skills;
 - (J) ability to correctly diagnose mental and emotional disorders in accordance with professional judgment and training; and
 - (K) ability to plan treatment and carry out clinical interventions related to mental and emotional disorders;
- (6) a narrative summary regarding the associate's growth as a clinical practitioner and participation in clinical supervision;
- (7) the period during which the associate received supervision from the LCSW supervisor;
- (8) the number of in-person hours of individual supervision that the associate received;
- (9) the number of in-person hours of group supervision that the associate received;
- (10) the number of hours provided through technology that the associate received in a group setting;

- (11) the number of hours provided through technology that the associate received in an individual setting;
- (12) the number of clinical practice hours that the associate attained during the review period; and
- (13) the name, phone number, signature, and license number with expiration date of the associate's LCSW supervisor.

(f) To prevent a lapse in licensure, associate licensees who desire to become Licensed Clinical Social Workers shall renew the LCSWA or complete the application process for the Licensed Clinical Social Worker classification and submit the application fee as set in Rule .0208 of this Chapter at least 30 days prior to the expiration of the associate's license.

*History Note: Authority G.S. 90B-6; 90B-7;
Eff. August 1, 1993;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. October 1, 2012; August 1, 2012; September 1, 2005; April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.*

21 NCAC 63 .0211 WORK EXPERIENCE

(a) Qualifications as required by G.S. 90B-7(d)(2) for the Licensed Clinical Social Worker (LCSW) credential:

- (1) Two years of post-MSW clinical social work experience shall mean 3,000 clock hours of work or employment for a fee or salary while engaged in the practice of clinical social work as defined in G.S. 90B-3(6). The 3,000 hours shall be accumulated over a period of time not less than two years nor more than six consecutive years. Practicum or internship experience gained as part of any educational program shall not be included. Pursuant to G.S. 93B-15.1(a), military applicants may receive credit for military occupational specialty experience obtained post MSW degree and deemed substantially equivalent to clinical social work practice as defined in this Chapter.
- (2) Appropriate supervision shall mean supervision by a MSW who is also a Licensed Clinical Social Worker and who is in good standing with the Board. A supervisor disciplined by any professional credentialing body or professional organization by legal order, or who has been found by legal order to have violated the provisions of an occupational licensing Board may not provide supervision to an associate licensee without the written permission of the Board. The Licensed Clinical Social Worker Associate's (LCSWA) clinical social work supervisor shall have an additional two years of clinical social work experience post LCSW licensure.
- (3) Appropriate supervision shall be that which is provided on a regular basis, conducted no less than once every two weeks, with at least one hour of supervision during every 30 hours of experience. A minimum of 100 hours of supervision is required. All work experience must be clinical social work as defined by G.S. 90B-3(6) to qualify as work experience for purposes of G.S. 90B-7(d)(2). Appropriate supervision may be individual or group supervision. Individual supervision shall mean one on one, face-to-face supervision by a MSW who is also a LCSW where the supervisor reviews and discusses clinical social work cases, reviews documentation, and provides evaluative comments and direction to the LCSWA. Group supervision shall mean face-to-face supervision provided by a MSW who is also a LCSW in a group setting, during which the supervisor reviews and discusses clinical social work cases, reviews documentation, and provides feedback and direction to each LCSWA in the group. A maximum of 25 hours of group supervision may be applied toward meeting the supervision requirements for the LCSW.
- (4) Unless otherwise preapproved by the Board, no more than 50 hours of supervision may be provided through the use of technology. The clinical supervisor may seek approval by providing a written request to the Board. The request shall include the parties' information, including name, license number, and business address; and the circumstances for which the additional hours are needed. Approval of the request shall be determined on a case by case basis, based upon the circumstances provided in the request. All supervision provided through the use of technology shall be synchronous, involve visual and audio interactions throughout the entire session, and shall take place in such a manner as to maintain the confidentiality of the communication.

(b) Qualifications as required by G.S. 90B-7(e)(2) for the Certified Social Work Manager (CSWM) credential:

- (1) Two years of post social work degree experience shall mean 3,000 clock hours of employment for a salary while engaged in administrative social work duties including, policy and budgetary development

and implementation, supervision and management, program evaluation, planning, and staff development. Such duties shall be carried out in an administrative setting where social work or other mental health services are delivered. The 3,000 hours shall be accumulated over a period of time not less than two years nor more than six consecutive years. Practicum or internship experience gained as part of any educational program shall not be included.

- (2) Appropriate supervision shall mean face-to-face supervision by a social work administrator certified or licensed by the Board who has a minimum of two years of administrative experience in a social work or mental health setting. Appropriate supervision shall be that which is provided on a regular basis, conducted no less than once every two weeks throughout the applicant's two years of administrative social work experience. A minimum of 100 hours of supervision is required. A maximum of 50 hours of group supervision may be applied toward meeting the supervision requirements for the CSWM. No more than 50 hours of supervision may be provided through the use of technology. All supervision provided through the use of technology shall be synchronous, involve visual and audio interaction throughout the entire session, and shall take place in such a manner as to maintain the confidentiality of the communication.

*History Note: Authority G.S. 90B-6; 90B-7;
Temporary Adoption Eff. October 1, 1999;
Eff. July 1, 2000;
Amended Eff. October 1, 2012; January 1, 2009; September 1, 2005;
Readopted Eff. February 1, 2017;
Amended Eff. August 1, 2021.*

21 NCAC 63 .0212 DUPLICATE LICENSES OR CERTIFICATES

A duplicate certificate or license shall be issued by the Board to a current certificate holder or licensee upon receipt of a written request and payment of a twenty-five dollar (\$25.00) fee.

*History Note: Authority G.S. 90B-6; 90B-6.2;
Temporary Adoption Eff. October 1, 1999;
Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

21 NCAC 63 .0213 TEMPORARY LICENSES

(a) Pursuant to G.S. 90B-8(b), any nonresident clinical social worker certified, registered, or licensed in another jurisdiction desiring to obtain a temporary license from the Board shall make application to the Board. Applications not completed within two years of submission to the Board shall be denied. Application forms and instructions may be found on the Board's website at <https://www.ncswboard.org>. A temporary license shall expire six months following the date of issuance and is not eligible for renewal. No individual shall hold more than one temporary license within a five-year period.

(b) An applicant pursuant to this Rule shall provide the following information on the application set forth in Paragraph (a) of this Rule:

- (1) the applicant's name, contact information, signature, and date of signature;
- (2) the social security number of the applicant;
- (3) the requested designation of licensure type;
- (4) the applicant's place of employment, the name of the applicant's supervisor, and the license number of the applicant's supervisor, if the supervisor holds a license to practice clinical social work;
- (5) educational history and degree attainment;
- (6) whether the applicant has ever been certified, licensed, or registered to practice social work by the Board, by another occupational board or agency, or in another state/jurisdiction and, if so:
 - (A) what credential was held;
 - (B) in what state/jurisdiction;
 - (C) the issuance date and expiration date; and
 - (D) what examinations were taken to obtain said certification, licensure, or registration;
- (7) whether the applicant ever has had a credential denied, limited, reprimanded, suspended, or revoked;

- (8) whether the applicant ever has been convicted of a felony or misdemeanor under any laws;
- (9) whether any criminal charges are pending against the applicant;
- (10) whether any court, board, agency, or professional organization has found the applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice;
- (11) whether any charges are pending against the applicant before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice;
- (12) the applicant's certification that:
 - (A) the applicant has read the North Carolina General Statute 90B Social Worker Certification and Licensure Act, and the Board's rules, ethical guidelines, and disciplinary procedures, which are available on the Board's website at <https://www.ncswboard.org>, and agrees to comply with them;
 - (B) the information provided by the applicant in the application is true;
 - (C) the applicant consents to a criminal history record check;
 - (D) the applicant's consent for the jurisdiction in which the applicant is licensed to release information to the Board related to the applicant's licensure status and practice of social work;
 - (E) the applicant has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding 12-month period, as prescribed by G.S. 143-789; and
- (13) an application fee of twenty-five (\$25.00) dollars.

(c) An applicant pursuant to this Rule shall provide a copy of the completed application set forth in Paragraph (b) of this Rule to the occupational board or agency in which the applicant is certified, licensed, or registered to practice social work. The applicant shall request that the occupational board or agency in which the applicant is certified, licensed, or registered to practice social work submit a form to the Board that contains the following:

- (1) confirmation that the applicant's completed application as set forth in Paragraph (b) of this Rule is accurate, if known;
- (2) whether the applicant obtained original licensure from the responding board or agency and, if not, the jurisdiction from which the applicant obtained original licensure;
- (3) whether the responding board or agency has official transcripts, as prescribed in 21 NCAC 63 .0203, in its records for the applicant;
- (4) whether the applicant graduated from an education program that is accredited by the Council on Social Work Education (CSWE), for which accreditation standards are available at www.cswe.org;
- (5) whether the applicant was exempt from the jurisdiction's licensure requirements at the time the applicant received his or her certification, licensure, or registration to practice social work;
- (6) whether the applicant took an ASWB examination to obtain licensure in the responding board or agency's jurisdiction and, if so, which examination;
- (7) whether the applicant's licensure in the responding board or agency's jurisdiction is in good standing and, if not, the reason for which the licensure is not;
- (8) whether the responding board or agency, any state agency, or any professional organization ever has found the applicant guilty of misconduct, unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, a copy of the documents adjudicating the applicant;
- (9) whether any charges are pending against the applicant before the responding board or agency, any state agency, or any professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice;
- (10) whether the applicant completed any supervision of clinical practice that was approved by the responding board or agency and, if so:
 - (A) the dates of supervision;
 - (B) the total number of supervision hours recorded;
 - (C) the total number of practice hours recorded; and
 - (D) the name and license number of the applicant's supervisor;
- (11) whether the responding agency or board has any additional comments regarding the applicant's fitness to practice clinical social work or licensure status; and
- (12) the name, signature, date of signature, and contact information of the representative completing the information set forth in Paragraph (c) of this Rule, with the responding board or agency's seal affixed.

*History Note: Authority G.S. 90B-6; 90B-6.2; 90B-8;
Temporary Adoption Eff. October 1, 1999;
Eff. July 1, 2000;
Amended Eff. January 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19,
2015;
Amended Eff. October 1, 2021.*

**21 NCAC 63 .0214 CERTIFICATION AND LICENSURE FOR MILITARY PERSONNEL AND
MILITARY SPOUSES**

- (a) Upon receipt of a request for certification or licensure pursuant to G.S. 93B-15.1 from an applicant with military training and experience, the Board shall issue a certificate or license upon submission of the following to the Board:
- (1) an application containing the information as described in 21 NCAC 63 .0202(b)(1) – (3), (6) – (12), and (16);
 - (2) written documentation to satisfy conditions set out in G.S. 93B-15.1(a); or
 - (3) written documentation to satisfy conditions set out in G.S. 93B-15.1(a2).
- (b) Upon receipt of a request for certification or licensure pursuant to G.S. 93B-15.1 from a military spouse, the Board shall issue a certificate or license upon submission of the following to the Board:
- (1) application information as described in 21 NCAC 63 .0202(b)(1) – (16); and
 - (2) written documentation to satisfy conditions set out in G.S. 93B-15.1(b).
- (c) Military trained applicants and military spouse applicants may apply for a temporary license by submitting to the Board an application containing the information set forth in 21 NCAC 63 .0213(b)(1) – (12). Military spouse applicants seeking temporary licensure also must comply with 21 NCAC 63 .0213(c). A temporary license shall apply only to clinical licensure.

*History Note: Authority G.S. 90B-6(h); 93B-15.1;
Eff. February 1, 2017;
Amended Eff. October 1, 2021.*

21 NCAC 63 .0215 PETITION FOR PREDETERMINATION

- (a) General. An individual seeking predetermination pursuant to G.S. 93B-8.1(b6) and this Rule may file with the Board a petition form located on the Board's website, www.ncswboard.org.
- (b) Petition Procedure. The petition form shall include all of the following information:
- (1) The person's name;
 - (2) The last four digits of the person's social security number;
 - (3) The person's current residential address;
 - (4) The person's current mailing address;
 - (5) A nationwide criminal history record report from a reporting service designated by the Board, the cost of which shall be borne by the petitioner;
 - (6) For each crime identified in the criminal history record report, the following information:
 - (A) Whether the crime was a felony or misdemeanor;
 - (B) The date that the crime occurred;
 - (C) The date the person was convicted of, or plead guilty or nolo contendere to, the crime;
 - (D) The age of the person at the time of the crime;
 - (E) The circumstances surrounding the commission of the crime;
 - (F) The sentence imposed for the crime;
 - (G) The period of time during which the person was incarcerated for the crime, if any;
 - (H) The period of time during which the person was on probation or parole for the crime, if any;
 - (I) Any documentation related to the person's rehabilitation or employment since the date of the crime, if any;
 - (J) Whether the person has undergone any rehabilitative drug or alcohol treatment since the date of the crime;
 - (K) Whether a Certificate of Relief has been granted regarding the crime, pursuant to G.S. 15A 173.2; and

- (L) Any affidavits or other written documents, including character references, for the person; and
- (7) An affirmation under oath that the person has read the statutes and rules governing the practice of social work and that the information contained in the petition is true and accurate.

Incomplete petitions shall not be considered by the Board. If incomplete petitions received by the Board are not made complete within 30 days of receipt, the incomplete petitions will be returned to the person from whom the request was made.

(c) Petition Fee. A non-refundable petition fee of forty-five dollars (\$45.00) shall accompany each petition. This fee may be paid by certified bank check or money order made payable to the North Carolina Social Work Certification and Licensure Board. Cash shall not be accepted.

(d) Delegation of Authority for Predetermination. The Board delegates authority for rendering predeterminations under this Rule to a committee of the Board that is tasked with reviewing disciplinary matters.

*History Note: Authority G.S. 90B-11; 93B-8.1;
Eff. February 1, 2020.*

SECTION .0300 - EXAMINATIONS

21 NCAC 63 .0301 QUALIFYING EXAMINATIONS

(a) Any national examination selected by the Board shall serve to evaluate the qualifications of each applicant for certification or licensure. Any such examination shall be administered at least once a year.

(b) The Board examination required by G.S. 90B-7(b)(2) for the Certified Social Worker credential is the Association of Social Work Board ("ASWB") Bachelor level examination. The Board examination required by G.S. 90B-7(c)(2) for the Certified Master Social Worker credential is the ASWB Master level examination or the Academy of Certified Social Workers ("ACSW") examination. The Board examination required by G.S. 90B-7(d)(3) for the Licensed Clinical Social Worker credential is the ASWB Clinical level examination. The Board examination required by G.S. 90B-7(e)(3) for the Certified Social Worker Manager credential is the ASWB Advanced Generalist level examination if the applicant holds a Master's degree, or the ASWB Bachelor level examination if the applicant holds a Bachelor's degree.

*History Note: Authority G.S. 90B-6; 90B-7; 90B-8;
Eff. August 1, 1987;
Amended Eff. August 1, 1990;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.*

21 NCAC 63 .0302 REPORTING OF SCORES

Each applicant for certification or licensure shall be informed in writing whether he/she has passed the examination. If an applicant fails the examination, he/she may have his/her test hand-scored provided that a written request is received by the Board within five days of the date of the examination, and in accordance with the examining body selected by the Board.

*History Note: Authority G.S. 90B-6; 90B-8;
Eff. August 1, 1987;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. February 1, 2009; July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

21 NCAC 63 .0303 RETAKING OF EXAMINATION

An applicant who has not passed an examination shall be allowed to retake such examination upon paying the required examination fee of the cost of the examination plus forty dollars (\$40.00).

History Note: Authority G.S. 90B-6;

Eff. August 1, 1987;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 63 .0304 CANCELLATION

History Note: Authority G.S. 90B-6;
Eff. August 1, 1987;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Repealed Eff. October 1, 2021.

21 NCAC 63 .0305 REVIEW OF EXAMINATIONS BY UNSUCCESSFUL APPLICANTS

- (a) An applicant who has not successfully passed the certification or licensure exam may request a review in accordance with the policies and procedures of the examining body.
- (b) An applicant's score shall not be changed by the Board, and any questions about the score shall be transmitted to the examining body for review.

History Note: Authority G.S. 90B-6;
Eff. August 1, 1987;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. September 1, 2005; July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 63 .0306 EXAMINATION FEES

An examination fee of forty dollars (\$40.00) plus the cost of the examination to the Board shall be assessed for administration and processing of any written examination. Examination fees are nonrefundable.

History Note: Authority G.S. 90B-6; 90B-6.2;
Eff. August 1, 1987;
Amended Eff. September 1, 1993;
Temporary Amendment Eff. January 1, 1996;
Amended Eff. April 1, 1997;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.

SECTION .0400 - RENEWAL OF CERTIFICATION

21 NCAC 63 .0401 CONTINUING EDUCATION REQUIREMENTS

(a) Continuing education for certification or licensure renewal shall be required to maintain professional knowledge and technical competency. Social workers shall obtain 40 contact hours of Board-approved continuing education credits in accordance with this Rule within each two-year renewal cycle. For purposes of this Rule, a "contact hour" is defined as time spent actually receiving education, excluding breaks. If a certification or licensure is for less than a full two-year period, then social workers shall obtain 30 contact hours of Board-approved continuing education credits in accordance with this Rule. Continuing education credits shall be awarded as follows:

- (1) continuing education units awarded that do not reflect contact hours or clock hours of instruction shall be awarded at the rate of one contact hour of credit for each continuing education unit;

- (2) one academic course hour of credit shall be equal to 15 contact hours; and
 - (3) credit for auditing an academic course shall be for clock hours of instruction attended with one clock hour equal to one contact hour of credit.
- (b) During each renewal period, all certified and licensed social workers shall engage in a minimum of four contact hours of continuing education focused on ethics related to social work practice and ethical decision-making.
- (c) The following activities shall be approved for continuing education:
- (1) academic social work courses taken for credit or audit;
 - (2) agency-based staff development, seminars, institutes, workshops, mini-courses or conferences oriented to social work practice, values, skills, and knowledge;
 - (3) cross-disciplinary offerings from medicine, law, and the behavioral/social sciences or other disciplines, if such offerings are related to social work practice, values, skills, and knowledge;
 - (4) distance learning activities, including online courses and home study courses that have been pre-approved by the Association of Social Work Boards (ASWB) or the National Association of Social Workers (NASW) and its associated state chapters. The maximum continuing education credit granted for distance learning activities is one-half of the required hours, up to a maximum of 20 contact hours per renewal period. Synchronous audio-video broadcasts allowing for real time interaction between the instructor and participants shall not be considered distance learning activities but as a face-to-face offering; and
 - (5) a group of professionals within the health and human services or related fields organized to come together to study a particular topic focusing on social work practice, provided the following can be documented:
 - (A) study topics;
 - (B) study materials;
 - (C) facilitator(s); and
 - (D) date(s) and hours of attendance.
- (d) Continuing education focusing on practitioner self-care and well-being shall not exceed six contact hours of credit during a single renewal cycle.
- (e) Up to five contact hours of credit shall be granted per renewal cycle for presenting a training focused on social work practice provided that:
- (1) the Board receives confirmation from the organization for which the licensee presented that identifies the licensee as the presenter, confirms the title and date of the presentation, the length of the presentation, and number of attendees; and
 - (2) the dates of the presentation occur within the renewal cycle.
- (f) Credit shall not be granted for:
- (1) identical programs completed within the same renewal period;
 - (2) job orientation or training directed at procedural mandates such as health and safety practices, new hire training, and compliance training; or
 - (3) supervision and case consultation.

History Note: Authority G.S. 90B-6; 90B-9;
 Eff. August 1, 1987;
 Amended Eff. September 1, 1993;
 Temporary Amendment Eff. October 1, 1999;
 Amended Eff. January 1, 2009; September 1, 2005; April 1, 2001;
 Readopted Eff. February 1, 2017;
 Amended Eff. October 1, 2021.

21 NCAC 63 .0402 FORMS

History Note: Authority G.S. 90B-6; 90B-9;
 Eff. August 1, 1987;
 Temporary Repeal Eff. October 1, 1999;
 Repealed Eff. July 1, 2000.

21 NCAC 63 .0403 RENEWAL APPLICATION AND FEES

(a) To renew a certificate or license, a person must submit the following to the Board on or before the expiration of his or her certification or licensure:

- (1) all fees as required in Paragraphs (b) and (c) of this Rule; and
- (2) a Renewal Affidavit, as described in Paragraph (d) of this Rule.

(b) Fees for renewal of certificates or licenses are as follows:

- (1) for Certified Social Workers (CSWs), the renewal fee is seventy dollars (\$70.00).
- (2) for Certified Master Social Workers (CMSWs), the renewal fee is ninety dollars (\$90.00).
- (3) for Licensed Clinical Social Workers (LCSWs), the renewal fee is one hundred and fifty dollars (\$150.00).
- (4) for Licensed Clinical Social Worker Associates (LCSWAs), the renewal fee is one hundred and forty dollars (\$140.00).
- (5) for Certified Social Work Managers (CSWMs), the renewal fee is one hundred and fifty dollars (\$150.00).

(c) Persons whose applications for renewal are received by the Board after the renewal date of their certificate or license, but no later than 60 days after the renewal date, shall pay a late renewal fee of fifty dollars (\$50.00) in addition to any other applicable fees. Renewal fees are nonrefundable.

(d) A Renewal Affidavit shall contain the following:

- (1) the person's printed name, signature, and date;
- (2) the person's contact information;
- (3) the last four digits of the person's social security number and license number;
- (4) whether the person's contact information has changed since the previous renewal;
- (5) whether the person is requesting a duplicate license;
- (6) a list of all continuing education hours taken since the last renewal application that provides the name of the course taken, the date on which the course was taken, the length of the course taken, and whether the course taken was distance learning or for ethics;
- (7) the person's affirmation or certification that:
 - (A) he or she has engaged in at least 40 hours of continuing education activities, as described in 21 NCAC 63 .0401, in the preceding 24 months or in at least 30 hours of continuing education activities if the renewal term is less than 2 years;
 - (B) he or she has engaged in at least four hours of continuing education focused on ethics related to social work practice and ethical decision making in the preceding certificate or license cycle;
 - (C) his or her ability to perform his or her professional responsibilities is not impaired in any way or by the use of alcohol, prescription or non-prescription drugs, or other controlled substances;
 - (D) he or she has not been convicted of a misdemeanor or felony crime since his or her last renewal or, if he or she has, an explanation of the conviction is provided, and that the person consents to a criminal background check by the Board;
 - (E) he or she has reviewed and agree to comply with the Social Work Certification and Licensure Act and Title 21, Chapter 63 of the North Carolina Administrative Code;
 - (F) he or she has not violated Section .0500 of this Chapter of the North Carolina Administrative Code;
 - (G) he or she understands that renewal of his or her certification or license is subject to a Continuing Education audit and he or she agree to comply with an audit request from the Board;
 - (H) the information in the Renewal Affidavit is accurate, that the Board may verify and investigate such information, and that any material omission or misrepresentation is grounds for the Board's refusal to renew a license or certification; and
 - (I) he or she has read and understands the public notice statement on employee misclassification that is set forth in the Renewal Affidavit and has disclosed any investigations for employee misclassification, and its results, over the preceding 12-month period, as prescribed by G.S. 143-789.

History Note: Authority G.S. 90B-6; 90B-6.2; 90B-9(b); 90B-11;
Eff. August 1, 1987;

Amended Eff. August 1, 1990;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. January 1, 2014; August 1, 2012; January 1, 2009; March 1, 2006; July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19,
2015;
Amended Eff. October 1, 2021.

21 NCAC 63 .0404 REINSTATEMENT

(a) Persons who apply for reinstatement after their certificate or license was suspended for failure to renew shall submit the following to the Board:

- (1) a reinstatement fee of one hundred and fifty-five dollars (\$155.00) in addition to any renewal fee or late renewal fee owed pursuant to G.S. 90B-6.2;
- (2) a Renewal Affidavit, as described in 21 NCAC 63 .0403(d);
- (3) a current application for certification or licensure, as described in 21 NCAC 63 .0202; and
- (4) three professional reference forms, as described in 21 NCAC 63 .0204.

(b) Persons who apply for reinstatement after temporary retirement from the practice of social work pursuant to G.S. 90B-9.1 shall submit the following to the Board:

- (1) a renewal fee pursuant to G.S. 90B-6.2; and
- (2) a Renewal Affidavit, as described in 21 NCAC 63 .0403(d).

(c) Applicants desiring to reinstate LCSWA shall comply with G.S. 90B-7(f) by completing all requirements for full licensure as LCSW within six years, inclusive of any time spent on nonpracticing status pursuant to G.S. 90B-9.1 or suspension for failure to renew.

History Note: Authority G.S. 90B-6; 90B-6.2; 90B-9; 90B-9.1;
Temporary Adoption Eff. October 1, 1999;
Eff. July 1, 2000;
Amendment Eff. August 1, 2012;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19,
2015;
Amended Eff. October 1, 2021.

21 NCAC 63 .0405 REQUIRED REPORTING BY LICENSEE OR CERTIFICATE HOLDER OF CHANGES TO BOARD

(a) Each licensee or certificate holder shall notify the Board in writing of any of the following changes within 30 days of the effective date of the change:

- (1) change of the licensee's or certificate holder's name, which shall be accompanied by documentation such as a certified marriage certificate or driver's license;
- (2) change in the licensee's or certificate holder's residence or business address, including street and mailing address;
- (3) change in the licensee's or certificate holder's residence or business telephone number; and
- (4) any adverse action or disciplinary action against a licensee or certificate holder from a licensing board, professional certifying body, or professional organization for any conduct described in G.S. 90B-11(a).

(b) Within 30 days of the effective date of a disposition in a criminal matter in which the licensee or certificate holder is a defendant, including driving under the influence, each licensee or certificate holder shall send to the Board a certified copy of any plea of guilty, finding of guilty, plea of nolo contendere, or deferred judgment.

(c) The licensee's or certificate holder's failure to report to the Board the dispositions addressed by Subparagraph (a)(4) or Paragraph (b) of this Rule shall be considered a violation of the Ethical Guidelines as set forth in Section .0500 of this Chapter.

History Note: Authority G.S. 90B-6; 90B-11;
Eff. September 1, 2005;
Amended Eff. January 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19,
2015;

Amended Eff. October 1, 2021.

**21 NCAC 63 .0406 MILITARY WAIVER OR EXTENSION OF TIME FOR RENEWAL OF
CERTIFICATION OR LICENSURE**

(a) To request an extension of time to pay a license renewal fee pursuant to G.S. 93B-15, the licensee or certificate holder shall submit a written request for extension to the Board with a copy of the social worker's military orders and the extension approval granted by the Internal Revenue Service or the State Department of Revenue to file a tax return prior to the expiration of the license or certificate.

(b) Licensees and certificate holders that have qualified for military waiver or extension are not required to take continuing education courses during any period of extension granted by the Board under this Rule. If the licensee or certificate holder chooses to take continuing education courses during a Board-approved period of extension, any continuing education credits approved during the extended time period shall not be utilized for future renewal periods.

*History Note: Authority G.S. 90B-6; 90B-6.2; 93B-15;
Eff. July 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19,
2015;
Amended Eff. October 1, 2021.*

SECTION .0500 - ETHICAL GUIDELINES

21 NCAC 63 .0501 PURPOSE AND SCOPE

(a) Ethical principles affecting the practice of social work are rooted in the basic values of society and the social work profession. The principal objective of the profession of social work is to enhance the dignity and well-being of each individual who seeks its services. It does so through the use of social work theory and intervention methods including case management, advocacy, community organization, administration, and psychotherapy.

(b) The primary goal of the rules in this Section is to set forth principles to guide social workers' conduct in their profession. Violation of these Rules may be considered gross unprofessional conduct and may constitute dishonest practice or incompetence in the practice of social work. Such violations may result in disciplinary action by the Board.

(c) The rules in this Section serve as a standard for social workers in their various professional roles, relationships and responsibilities. Social workers shall consider all the principles in the rules in this Section that bear upon any situation in which ethical judgment is to be exercised, and shall select a course of action consistent with the rules in this Section.

(d) Upon approval of certification or licensure, each applicant shall review the rules in this Section and return a signed statement to the Board agreeing to abide by these Rules.

*History Note: Authority G.S. 90B-6; 90B-11;
Eff. August 1, 1987;
Amended Eff. March 1, 1994;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. September 1, 2005; July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19,
2015.*

21 NCAC 63 .0502 PRACTICE AND CONDUCT

*History Note: Authority G.S. 8-53.7; 90B-2;
Eff. August 1, 1987;
Repealed Eff. March 1, 1994.*

21 NCAC 63 .0503 GENERAL PROFESSIONAL RESPONSIBILITIES

(a) Social workers shall engage in practice only in accordance with their training and experience. They shall represent to clients, colleagues, and the general public their abilities, education, training, credentials, and experience. They shall engage in continuing professional education prior to engaging in a new area of practice.

(b) In the event that the employment policies or practices of social workers' employers are contrary to the Ethical Guidelines set forth in Section .0500 of this Chapter, social workers shall comply with the Ethical Guidelines.

- (c) Social workers shall not practice or facilitate any form of discrimination on the basis of race, sex, sexual orientation, gender, age, religion, socioeconomic status, medical diagnoses, or national origin while practicing social work or while holding themselves out as social workers to the public.
- (d) Social workers shall practice their profession in compliance with federal, State, or local laws impacting the practice of social work.
- (e) Social workers shall not engage in settlement agreements that preclude reporting of ethical misconduct to the Board.

*History Note: Authority G.S. 90B-6; 90B-11;
Eff. March 1, 1994;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.*

21 NCAC 63 .0504 RESPONSIBILITIES IN PROFESSIONAL RELATIONSHIPS

- (a) Social workers shall not misuse their professional relationships sexually, financially, or for any other personal advantage. They shall maintain this standard of conduct toward all who are professionally associated with them such as clients, colleagues, supervisees, employees, students, and research participants.
- (b) Social workers shall inform clients of the extent and nature of services available to them as well as the limits, rights, opportunities, and obligations associated with service that might affect the client's decision to enter into or continue the relationship.
- (c) Social workers shall obtain consent to participate in social work intervention from all clients or their legally authorized representative except when judicial orders require intervention to ensure the client's and community's safety and protection.
- (d) Social workers shall terminate a professional relationship with a client when it is determined by the social worker, the client, or any entity with legal authority over client's care that the client is not likely to benefit from continued services or the services are no longer needed. The social worker who anticipates the termination or interruption of services shall give prior notice to the client as soon as possible. The social worker shall provide referrals as needed or upon the request of the client. A social worker shall not terminate a professional relationship for the purpose of beginning a personal or business relationship with a client.
- (e) Social workers shall respect the integrity, protect the welfare, and maximize self-determination of clients they serve, in accordance with the level and type of care that a competent social worker would provide under the circumstances. They shall avoid entering treatment relationships in which their professional judgment will be compromised by the prior association with or knowledge of a client. Examples include treatment of one's family members, friends, associates, employees, or others whose welfare could be jeopardized by such a dual relationship.
- (f) Social workers shall not initiate, and shall avoid personal relationships or dual roles with current clients, or with any former clients whose feelings toward the social worker may be derived from or influenced by the former professional relationship. When a social worker may not avoid a personal relationship with a client or former client, the social worker shall take appropriate precautions, such as documented discussion with the client or former client about the relationship, consultation, or supervision to ensure that the social worker's objectivity and professional judgment are not impaired. In instances when dual or multiple relationships are unavoidable, social workers shall set boundaries that take into consideration the client's age, race, sex, gender, sexual orientation, religion, socioeconomic status, national origin, and medical diagnoses.
- (g) Social workers shall not engage in sexual activities with clients or former clients. A social worker shall not engage in or request electronic, verbal, or physical sexual contact with a client or former client under any circumstances. For the purposes of this Rule, "sexual contact" means behavior relating to sexual activities including intentional touching, either directly or through the clothing.
- (h) Social workers shall act in accordance with G.S. 90B and these Rules in regard to relationships with clients or former clients. A client's or former client's initiation of a personal, sexual, or business relationship shall not be a defense by the social worker for failing to act in accordance with G.S. 90B and these Rules.

*History Note: Authority G.S. 90B-6; 90B-11;
Eff. March 1, 1994;
Amended Eff. April 1, 2001;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.

21 NCAC 63 .0505 RELATIONSHIPS WITH COLLEAGUES

Social workers shall act with integrity in their relationships with colleagues and other professionals. They shall consider the practice areas and knowledge or expertise of other professionals to whom they make referrals and with whom they collaborate in serving clients.

- (1) When expressing judgment on the views, qualifications and findings of colleagues, social workers shall not misrepresent the colleague's license level, degree, or other professional qualification in any written or oral communication and shall avoid the use of demeaning or derogatory language.
- (2) Social workers shall maintain knowledge of the professional and community resources available to the client population they serve and when referring clients, social workers shall refer to professionals and community resources that are able to provide the services required.
- (3) If a social worker's services are sought by an individual who is already receiving similar services from another professional, the client's welfare shall be the primary consideration before agreeing to provide services. To minimize confusion and conflict, social workers shall discuss with the prospective client the nature of the existing professional relationship, the client's needs, the therapeutic issues involved, and the benefits and risks associated with entering into a relationship with a new service provider.
- (4) Social workers shall provide competent professional guidance to colleagues, employees, supervisees, and students. They shall foster working conditions that provide fairness, privacy and protection from physical or mental harm. Social workers supervising associate licensees shall evaluate without bias, the work performance of those under their supervision, and share evaluations with supervisees. Social workers shall not engage in sexual relationships with supervisees, students, trainees, or other colleagues over whom they exercise professional authority. They shall not abuse the power inherent in their supervisory position for personal or financial gain.
- (5) A social worker certified or licensed under this Chapter who has knowledge of conduct that would constitute grounds for disciplinary action under this Chapter, or the Chapter governing the practice of another licensed healthcare provider, shall report the conduct to the licensing authority that oversees the healthcare provider believed to be engaged in misconduct. Social workers shall provide information to assist colleagues defending themselves against allegations of unethical or incompetent practice.

History Note: Authority G.S. 90B-6; 90B-11;
Eff. March 1, 1994;
Readopted Eff. February 1, 2017;
Amended Eff. October 1, 2021.

21 NCAC 63 .0506 REMUNERATION

- (a) Financial arrangements shall be explicitly established and agreed upon by the social worker and the client in the initial stage of intervention.
- (b) Social workers shall not give or receive any fee or other consideration to or from a third party for referrals. Clinical social workers may, however, participate in contractual arrangements in which they agree to discount their fees.
- (c) Social workers employed by an agency or clinic and also engaged in private practice shall conform to agency regulations regarding private practice.
- (d) Legal measures to collect fees may be taken if a client does not pay for services as agreed, provided notice of such action is given beforehand.

History Note: Authority G.S. 90B-6; 90B-11;
Eff. March 1, 1994;
Amended Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 63 .0507 CONFIDENTIALITY AND RECORD KEEPING

- (a) Social workers shall protect the client's right to confidentiality as established by law.
- (b) Social workers shall reveal confidential information to others only with the informed consent of the client, except in those circumstances in which not to do so would violate other laws or would result in clear and imminent danger to the client or others. Unless specifically contraindicated by such situations, clients shall be informed and written consent shall be obtained from clients, or their legally authorized representative, before confidential information is revealed.
- (c) When confidential information is used for the purpose of professional education, research, or consultation, the identity of the client shall be concealed. Presentations shall be limited to material necessary for the professional purpose.
- (d) Social workers shall maintain records adequate to provide proper diagnosis and treatment and to fulfill other professional responsibilities.
- (e) Social workers shall take precautions to protect the confidentiality of material stored or transmitted through computers, electronic mail, facsimile machines, telephones, telephone answering machines, and all other electronic or computer technology. When using these technologies, disclosure of identifying and confidential information regarding current client(s) or former client(s) shall be avoided whenever possible.

*History Note: Authority G.S. 90B-6; 90B-11;
 Eff. March 1, 1994;
 Temporary Amendment Eff. October 1, 1999;
 Temporary Amendment Expired July 28, 2000;
 Amended Eff. April 1, 2001;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.*

21 NCAC 63 .0508 PURSUIT OF RESEARCH AND SCHOLARLY ACTIVITIES

In planning, conducting, and reporting a study with human subjects, the social worker acting as an investigator shall evaluate the ethical acceptability in accordance with this Rule. To the extent that this evaluation, weighing scientific and humane values, suggests a compromise of ethical principles, the investigator shall protect the rights of the research participants.

- (1) Social workers shall obtain authorization from administrative superiors and clients who agree to be subjects in the study. Social workers shall also acknowledge any other persons who contribute in a scholarly manner to their research in any reports concerning their research, whether published or unpublished.
- (2) The social worker acting as an investigator shall establish with the research participant an agreement clarifying each person's roles and responsibilities.
- (3) The rights of an individual to decline to participate in or withdraw from the research shall be respected and the participant shall not be penalized for such action.
- (4) The social worker acting as an investigator shall give the individual information about the manner in which the research may affect the individual, in order for the individual to give his or her informed consent for participation in the study.
- (5) Identifying information obtained about the participant during the course of the study shall be confidential unless informed consent for release of information is obtained in advance.
- (6) Research findings shall be presented accurately. Social workers shall not distort or misrepresent research.

*History Note: Authority G.S. 90B-6; 90B-11;
 Eff. March 1, 1994;
 Temporary Amendment Eff. October 1, 1999;
 Amended Eff. April 1, 2001;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
 Amended Eff. October 1, 2021.*

21 NCAC 63 .0509 PUBLIC STATEMENTS

(a) Social workers shall state without misrepresentation their professional qualifications, affiliations, and functions, as well as those of the institutions or organizations with which they or their statement may be associated. When social

workers are made aware of misrepresentations by others with respect to these matters, social workers shall make efforts to correct the misrepresentations.

(b) In announcing availability for professional services, a social worker shall use the licensee or certificate holder's name, type, and level(s) of certification and licensure; and may use highest academic degree related to the field of social work from an accredited institution; specialized post-graduate training; address and telephone number; office hours; type of services provided; accurate fee information; foreign languages spoken; and policy with regard to third-party payments.

(c) Social workers shall not offer to perform any service beyond the scope permitted by law or beyond the scope of their competence. They shall not engage in any form of advertising that is false, fraudulent, deceptive, or misleading. They shall neither solicit nor use recommendations or testimonials from clients.

(d) Social workers shall respect the rights and reputations of professional organizations with which they are affiliated. They shall not falsely imply sponsorship or certification by such organizations. When making public statements, the social worker shall distinguish personal opinions from authorized statements on behalf of an organization.

(e) Social workers shall display their license or certificate at the social worker's primary place of practice as required by G.S. 90B-15.

*History Note: Authority G.S. 90B-6; 90B-11; 90B-15;
Eff. March 1, 1994;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. January 1, 2009; July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.*

SECTION .0600 - DISCIPLINARY PROCEDURES

21 NCAC 63 .0601 GROUNDS FOR DISCIPLINARY PROCEDURES

The following conduct constitutes a violation of G.S. 90B-11:

- (1) offering a check to the Board in payment of required fees that is returned unpaid as a result of non-payment attributable to the payor;
- (2) obtaining or attempting to obtain compensation by fraud or deceit;
- (3) submitting false documents to the Board, such as those related to continuing education audits or submitted as a part of the application or renewal process; and
- (4) violating any order of the Board.

*History Note: Authority G.S. 90B-2; 90B-6; 90B-11;
Eff. August 1, 1987;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.*

21 NCAC 63 .0602 INVESTIGATION

(a) Any person who has reason to believe that a social worker has violated the laws governing the practice of social work may file a complaint with the Board. Anyone wishing to file a complaint shall file a form with the Board office that contains the following information:

- (1) the complainant's name and contact information;
- (2) the name, contact information, and license number of the social worker about whom the complainant wishes to file the complaint;
- (3) a narrative of the facts about which the complaint relies;
- (4) identification of the statutes or rules that were allegedly violated, if known;
- (5) identification of the individuals and their contact information who may have information to support the complaint;
- (6) identification of any documents that may support the complaint; and
- (7) the complainant's affirmation that:

- (A) the complainant has read and understands the ethics standards and disciplinary procedures of the Board, which are available on the Board's website at <https://www.ncswboard.org>;
- (B) the information provided by the complainant is true, based on the complainant's personal knowledge, or based upon information that the complainant believes to be true; and
- (C) the complainant is aware that the social worker about whom the complaint is filed shall be made aware of the complaint and when the complaint may be disclosed as a public record; and

(8) the complainant's signature and the date when the complaint is made.

(b) Upon receipt of a complaint, the Board shall notify the social worker against whom the complaint was filed, noting the report of a violation and the specific rule or statute brought into question.

(c) Upon receipt of a complaint, the Board, its staff, or designee(s) shall determine whether more information or evidence is needed to show whether a person certified or licensed by the Board has violated any provision of G.S. 90B or the rules of this Chapter. If more information or evidence is deemed necessary, the Board, its staff, or designee(s) shall conduct an investigation.

(d) The complainant and social worker against whom a complaint was filed shall be notified in writing of the Board's decision as to whether an investigation is warranted.

(e) The Board may initiate its own complaint and conduct an investigation of a suspected violation if the Board obtains information tending to show that a violation of G.S. 90B or the rules of this Chapter has occurred.

(f) Any Board member who conducts the investigation of a specific case shall not participate in the Board's adjudication of that case.

History Note: Authority G.S. 90B-6; 90B-11;
Eff. September 1, 1989;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.

21 NCAC 63 .0603 NOTICE OF CHARGES AND HEARING

(a) If an investigation conducted in accordance with Rule .0602 of this Section produces any evidence tending to show a violation of G.S. 90B or these Rules, the Board shall initiate disciplinary proceedings. Disciplinary proceedings conducted by the Board are governed by Article 3A of Chapter 150B of the NC General Statutes. Prior to any Board action, written notice containing the information required by G.S. 150B-38(b) shall be sent to the social worker involved and the complainant, if the disciplinary proceeding was initiated by a complainant.

(b) Nothing in this Rule shall prevent the Board from summarily suspending a certificate or license in accordance with G.S. 150B-3(c) if the Board determines that the public health, safety, or welfare requires emergency action.

History Note: Authority G.S. 90B-6; 90B-11; 150B-38;
Eff. September 1, 1989;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.

21 NCAC 63 .0604 LOCATION OF HEARING

History Note: Authority G.S. 90B-6(h); 150B-9;
Eff. September 1, 1989;
Temporary Repeal Eff. October 1, 1999;
Repealed Eff. July 1, 2000.

21 NCAC 63 .0605 INTERVENTION

The intervention of persons not initially parties to a contested case is governed by G.S. 150B-38(f). Petitions or motions to intervene must be in writing. The Board shall promptly determine whether to grant or deny intervention and shall so notify the petitioner and all parties in writing.

History Note: Authority G.S. 90B-6(h); 150B-38(f); S.L. 1999-313;
Eff. September 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 63 .0606 SUBPOENAS

The authority of the Board to issue or revoke subpoenas in preparation for, or in the conduct of, contested cases is governed by G.S. 150B-39. If a subpoena is issued at the request of a party and not on the Board's own motion, that party shall bear the cost of service.

History Note: Authority G.S. 90B-6(h); 150B-39(c); S.L. 1999-313;
Eff. September 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

21 NCAC 63 .0607 CONDUCT OF HEARING

(a) The Chairperson shall serve as presiding officer unless the Chairperson is absent or disqualified in accordance with Paragraph (b) of this Rule, in which case the Vice-chairperson shall preside.

(b) An affidavit seeking disqualification of any Board member, if filed in good faith and in a timely manner, will be ruled on by the remaining members of the Board. An affidavit is considered timely if it is filed:

- (1) prior to the hearing; or
- (2) as soon after the commencement of the hearing as the affiant becomes aware of the facts that give rise to the belief that a Board member should be disqualified.

History Note: Authority G.S. 90B-6(h); 150B-40;
Eff. September 1, 1989;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.

21 NCAC 63 .0608 DECISION OF BOARD

(a) Upon the conclusion of a disciplinary proceeding noticed pursuant to 21 NCAC 63 .0603 and if so moved by two Board members, the Board shall deliberate on whether an applicant, certificate holder, or licensee involved has violated a statute or rule the Board has the authority to enforce, and what appropriate disciplinary action, if any, should be taken against the applicant, certificate holder, or licensee involved.

(b) If the Board reaches a decision on the issues set forth in Paragraph (a) of this Rule immediately upon the conclusion of the disciplinary proceeding, the Board shall announce the decision but shall provide the parties with an opportunity to submit proposed findings of fact and exceptions to the decision to the Board's office within 15 days. The Board may allow additional time for good cause shown or upon mutual agreement by the parties. For purposes of this Rule, "good cause" shall be determined by the length of the hearing, the complexity of the issues involved, and the availability of the parties.

(c) If the Board does not reach a decision on the issues set forth in Paragraph (a) of this Rule immediately upon the conclusion of the disciplinary proceeding, the Board shall provide the parties an opportunity to submit proposed findings of fact and conclusions of law to the Board's office within fifteen days, unless additional time is allowed by the Board for good cause shown or upon mutual agreement by the parties. The Board shall deliberate on the issues set forth in Paragraph (a) of this Rule at its next Board meeting following the parties' deadline to submit the proposed findings of fact and conclusions of law.

(d) Following the expiration of the time allowed for the parties to submit proposed findings and exceptions, the Board shall make a written final agency decision in accordance with G.S. 150B-42.

(e) Disciplinary costs shall be assessed against an applicant, certificate holder, or licensee in a written final agency decision as set forth in G.S. 90B-11 when:

- (1) the licensee previously has rejected a consent order offered by the Board to resolve the disciplinary matter;
- (2) the licensee previously has been disciplined by the Board pursuant to G.S. 90B-11, previously received a non-disciplinary letter of caution, or previously received a non-disciplinary Consent Order from the Board for the same conduct at issue in disciplinary proceeding;
- (3) the Board finds that the licensee's conduct or defense at hearing was dilatory or not asserted in good faith; or
- (4) the Board denies, suspends, or revokes an application, certificate, or license.

Disciplinary costs shall equal three hundred dollars (\$300.00) per hour for time spent by the Board conducting a hearing that results in disciplinary action and for time spent by the Board deliberating on a disciplinary proceeding, with a minimum charge of three hundred dollars (\$300.00) for the first hour or portion thereof, and then prorated thereafter for each half-hour

*History Note: Authority G.S. 90B-6(h); 90B-11; 150B-38; 150-42;
Eff. September 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.*

21 NCAC 63 .0609 REPORTING OF DISCIPLINARY ACTIONS

(a) In accordance with 45 CFR 60.9, the Board shall report disciplinary actions specified in G.S. 90B-11 to the National Practitioner Data Bank. 45 CFR 60.9 is hereby incorporated by reference, including subsequent amendments and additions, and can be found at <https://www.govinfo.gov/content/pkg/CFR-2007-title45-vol1/pdf/CFR-2007-title45-vol1-sec60-9.pdf> at no cost.

(b) For purposes of this Rule and G.S. 90B-11, the following matters constitute disciplinary actions:

- (1) injunctions for unlicensed practice;
- (2) issuance of a cease and desist order;
- (3) revocation;
- (4) suspension;
- (5) censure;
- (6) reprimand;
- (7) probation;
- (8) withdrawal or denial of initial applications or reapplications proximate to an ethics matter;
- (9) surrender of certification or license during an investigation;
- (10) practice limitations connected to the delivery of health care services as defined by 45 CFR 60.3; and
- (11) limitations on the right of a licensee or certificate holder to supervise.

(c) For purposes of this Rule, the following matters shall not constitute disciplinary actions:

- (1) monitoring independent of restrictions or discipline;
- (2) letters of concern; and
- (3) complaints.

*History Note: Authority G.S. 90B-6(h); 90B-11;
Temporary Adoption Eff. October 1, 1999;
Eff. July 1, 2000;
Amended Eff. July 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.*

21 NCAC 63 .0610 CONTINUANCES

- (a) Motions for a continuance of a hearing shall be reviewed in accordance with the North Carolina Rules of Civil Procedure as set forth in G.S. 1A-1, Rule 40(b). The Board is not required to grant a motion to continue. All motions for continuance shall be addressed to the presiding officer.
- (b) In determining whether good cause exists as set forth in G.S. 1A-1, Rule 40, the presiding officer shall consider the ability of the party requesting a continuance to proceed without a continuance.
- (c) Motions for a continuance shall be in writing and shall be received in the office of the Board no less than seven calendar days before the hearing date.
- (d) A motion for a continuance shall be denied if a continuance has been previously granted unless the reason for the motion could not have been ascertained earlier.

History Note: Authority G.S. 90B-6(h); 150B-38(h);
Eff. February 1, 2017;
Amended Eff. October 1, 2021.

SECTION .0700 – ADMINISTRATIVE PROCEDURES

21 NCAC 63 .0701 PETITIONS FOR ADOPTION OF RULES

Rule-making petitions shall be sent to the executive director of the Board. The rule-making petition shall state the petitioner's name and address and shall contain the information required by G.S. 150B-20(a). The petitioner also may submit the following additional information:

- (1) the reason for the proposal;
- (2) data supporting the proposed rule;
- (3) practices likely to be affected by the proposed rule; and
- (4) persons likely to be affected by the proposed rule.

History Note: Authority G.S. 90B-6(h); 150B-20;
Eff. September 1, 1989;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. January 1, 2014; July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.

21 NCAC 63 .0702 PROCEDURE FOR ADOPTION OF RULES

History Note: Authority G.S. 90B-6; 150B-21.2;
Eff. September 1, 1989;
Temporary Amendment Eff. October 1, 1999;
Repealed Eff. April 1, 2001.

21 NCAC 63 .0703 TEMPORARY RULES

History Note: Authority G.S. 90B-6(h); 150B-21.1;
Eff. September 1, 1989;
Temporary Amendment Eff. October 1, 1999;
Amendment Eff. July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Repealed Eff. October 1, 2021.

21 NCAC 63 .0704 DECLARATORY RULINGS

- (a) General. The Board shall respond to requests for declaratory rulings in accordance with G.S. 150B-4.
- (b) Contents of a Request for Declaratory Ruling. A request for a declaratory ruling shall be in writing and addressed to the executive director of the Board. The request shall contain the following information:
 - (1) the name and address of the person making the request;

- (2) the statute, rule, or order to which the request relates;
 - (3) a statement of the need for a declaratory ruling as set forth in G.S. 150B-4(a); and
 - (4) a statement as to whether a hearing is desired, and if desired, the reason therefore.
- (c) Refusal to Issue Ruling. The Board shall refuse to issue a declaratory ruling under the following circumstances:
- (1) when the Board has already made a controlling decision on similar facts in a contested case;
 - (2) when the facts underlying the request for a ruling were considered at the time of the adoption of the Rule in question; or
 - (3) when the subject matter of the request is involved in any pending litigation in North Carolina.

*History Note: Authority G.S. 90B-6(h); 150B-4;
 Eff. September 1, 1989;
 Temporary Amendment Eff. October 1, 1999;
 Amended Eff. January 1, 2014; July 1, 2000;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
 Amended Eff. October 1, 2021.*

21 NCAC 63 .0705 INSUFFICIENT FEES

- (a) The Board shall charge the maximum processing fee allowed by G.S. 25-3-506 if a check submitted to the Board is returned by a financial institution because of insufficient funds or because the drawer did not have an account at that bank.
- (b) Until such time as the drawer of the bad check has paid the prescribed fee, the drawer shall not be eligible to take an examination, obtain a license, or have the license renewed. For the purpose of this Rule, "prescribed fee" shall mean the sum of:
- (1) the maximum processing fee allowed by G.S. 25-3-506;
 - (2) the renewal or application fee, whichever is applicable; and
 - (3) any late fee, as set forth in Rule .0403 of this Chapter.
- (c) Any license that has been issued or renewed based on a check that is returned to the Board shall be invalid until such time as the drawer has paid the prescribed fee. The invalidity of the license or renewal shall commence on the date of the issuance of the license or renewal.
- (d) Payment of the prescribed fee to the Board shall not be paid by personal check or cash.

*History Note: Authority G.S. 90B-6(g); 90B-6.2(b);
 Eff. October 1, 2021.*

SECTION .0800 - DISCIPLINARY PROCEDURES

- 21 NCAC 63 .0801 REPORTING COMPLAINTS**
- 21 NCAC 63 .0802 CONFIDENTIALITY**
- 21 NCAC 63 .0803 INVESTIGATION**
- 21 NCAC 63 .0804 NOTICE OF HEARING AND CHARGES**
- 21 NCAC 63 .0805 INFORMAL CONFERENCE**
- 21 NCAC 63 .0806 HEARINGS**
- 21 NCAC 63 .0807 DECISION OF THE BOARD**
- 21 NCAC 63 .0808 SUMMARY SUSPENSION**
- 21 NCAC 63 .0809 THE PUBLIC RECORD**

*History Note: Authority G.S. 90B-6; 90B-11;
 Eff. March 1, 1994;
 Temporary Repeal Eff. October 1, 1999;
 Repealed Eff. July 1, 2000.*

21 NCAC 63 .0810 WAIVER

History Note: Authority G.S. 90B-6;

Emergency Adoption Eff. April 8, 2020;
Temporary Adoption Eff. June 26, 2020;
Temporary Adoption Expired Eff. April 11, 2021.

21 NCAC 63 .0811	RESERVED FOR FUTURE CODIFICATION
21 NCAC 63 .0812	RESERVED FOR FUTURE CODIFICATION
21 NCAC 63 .0813	RESERVED FOR FUTURE CODIFICATION
21 NCAC 63 .0814	RESERVED FOR FUTURE CODIFICATION
21 NCAC 63 .0815	RESERVED FOR FUTURE CODIFICATION
21 NCAC 63 .0816	RESERVED FOR FUTURE CODIFICATION
21 NCAC 63 .0817	RESERVED FOR FUTURE CODIFICATION
21 NCAC 63 .0818	RESERVED FOR FUTURE CODIFICATION
21 NCAC 63 .0819	RESERVED FOR FUTURE CODIFICATION
21 NCAC 63 .0820	DISCIPLINARY ACTIONS

History Note: Authority G.S. 90B-6; 90B-11;
Eff. March 1, 1994;
Temporary Repeal Eff. October 1, 1999;
Repealed Eff. July 1, 2000.

SECTION .0900 - PROFESSIONAL CORPORATION OR LIMITED LIABILITY COMPANY

21 NCAC 63 .0901 APPLICATIONS FOR A CERTIFICATE OF REGISTRATION

(a) Licensed clinical social workers who wish to form a Professional Corporation or Professional Limited Liability Company must apply to the Board for a Certificate of Registration in accordance with this Rule, pursuant to Chapter 55B of the North Carolina General Statutes.

(b) All applications for a Certificate of Registration for Professional Corporation shall include the fee described in Paragraph (d) of this Rule and provide the following:

- (1) the name and address of the proposed business;
- (2) the purpose of the proposed business;
- (3) the name, address, profession, and license number of each proposed stock owner;
- (4) the percentage of shares to be owned by each proposed stock owner;
- (5) the name, address, profession, and license number of each proposed director;
- (6) the name, address, profession, and license number of each proposed corporate officer;
- (7) the name, address, profession, and license number of each proposed professional employee;
- (8) the contact information of the person completing the application; and
- (9) notarized signatures from the business's incorporators and an attestation that:
 - (A) they have read the Board's governing statutes and rules;
 - (B) there are no disciplinary actions pending against any of the business's incorporators, officers, directors, stockholders, or employees;
 - (C) the business is being incorporated under the provisions of Chapter 55B of the North Carolina General Statutes; and
 - (D) the business will be conducted in compliance with the Professional Corporation Act and the laws governing licensees of the Board.

(c) All applications for a Certificate of Registration for Professional Limited Liability Company shall include the fee described in Paragraph (d) of this Rule and provide the following:

- (1) the name and address of the proposed business;
- (2) the purpose of the proposed business;
- (3) the name, address, profession, and license number of each proposed shareholder;
- (4) the percentage of shares to be owned by each proposed shareholder;
- (5) the name, address, profession, and license number of each proposed director;
- (6) the name, address, profession, and license number of each proposed member;
- (7) the name, address, profession, and license number of each proposed professional employee;
- (8) the contact information of the person completing the application; and
- (9) notarized signatures from the business's organizers and an attestation that:
 - (A) they have read the Board's governing statutes and rules;
 - (B) there are no disciplinary actions pending against any of the business's organizers, members, managers, or employees;
 - (C) the business is being organized under the provisions of Chapter 57D of the North Carolina General Statutes; and
 - (D) the business will be conducted in compliance with Chapter 57D of the North Carolina General Statutes and the laws governing licensees of the Board.

(d) The following non-refundable fees apply:

- (1) fifty dollars (\$50.00) – application fee for a certificate of registration for a professional corporation or limited liability company; and
- (2) twenty-five dollars (\$25.00) – annual renewal fee for the certificate of registration for a professional corporation or limited liability company.

History Note: Authority G.S. 55B-10; 55B-11; 55B-12; 57D-2-02; 90B-6; 90B-11;
 Eff. January 1, 2009;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
 Amended Eff. October 1, 2021.

21 NCAC 63 .0902 RENEWAL OF CERTIFICATE OF REGISTRATION

(a) Social workers who have registered their business with the Board in accordance with 21 NCAC 63 .0901 shall renew annually their Certificate of Registration issued by the Board on or before January 1 of each year. Applications for Renewal of Certificates of Registration shall provide the following:

- (1) whether there has been any change to the business since the last renewal of the Certificate of Registration;
- (2) identification of changes to the business since its last submission to the Board office, if any were made;
- (3) whether the business has ceased operation and, if so, a copy of the articles of dissolution;
- (4) the name, contact information, and license number of the licensees who are owners, members, or shareholders of the business;
- (5) the name, address, and certificate of registration number of the business;
- (6) applicant's signature and the date signed; and
- (7) a non-refundable fee of twenty-five dollars (\$25.00).

(b) A Certificate of Registration shall be suspended for failure to renew within 30 days after the expiration date and shall be reported to the Office of the Secretary of State.

History Note: Authority G.S. 55B-11; 55B-12; 57D-2-02; 90B-6; 90B-11;
 Eff. January 1, 2009;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
 Amended Eff. October 1, 2021.

21 NCAC 63 .0903 DISOLVING THE PROFESSIONAL ENTITY

Professional entities registered with the Board and who dissolve, shall provide written notice to the Board within 30 days of the effective date the entity dissolved.

History Note: Authority G.S. 55B-10; 57C-2-01(c); 90B-6; 90B-11;

Eff. January 1, 2009;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.