

Legislative Changes to the NC Social Worker Certification and Licensure Act

Important changes to the North Carolina Social Worker Certification and Licensure Act were made by the North Carolina General Assembly during the 2019-2020 session.

Below is a summary of the primary changes to the law, which will become effective January 1, 2021. However, this memorandum should not be considered an exhaustive summary of all changes. As these changes may impact the requirements for you to obtain and maintain licensure, you are encouraged to review Session Law 2019-240 (click [here](#)).

- GS § 90B-4 Prohibitions. New language clarifies that a social worker licensed in another state or jurisdiction must identify the state or jurisdiction in which the license is held when referencing their credentials in North Carolina. The purpose of the provision is to inform consumers as to whether the social worker is authorized to engage in clinical practice in North Carolina.
- GS § 90B-5 Board appointments, terms, composition. Currently, the Board is composed of two members who are Certified Social Workers or Certified Master Social Workers; three members who are Licensed Clinical Social Workers; and two public members. Effective January 1, 2021, the Board will be composed of one member who is a Certified Social Worker, Certified Master Social Worker, or a Certified Social Work Manager; four members who are Licensed Clinical Social Workers; and two public members. This change was made to more accurately reflect the current demographics of certified and licensed practitioners across North Carolina.
- GS § 90B-6 Functions and duties of the Board. New language allows the Board to adopt rules related to supervision of associate licensees working toward LCSW licensure and supervision required for the Certified Social Work Manager credential.

Also, effective January 1, 2021, the length of time that social workers must maintain records related to their practice is increased from three years to either ten years or the retention period mandated by a third-party payee, whichever period is longer.

- GS § 90B-7 Titles and Qualifications. Currently, individuals who are Licensed Clinical Social Worker Associates (“LCSWA”) must pass the clinical examination administered by the Association of Social Work Boards (“ASWB”) within two years to be eligible to renew their license. Effective January 1, 2021, LCSWAs will not be required to pass this examination in order to renew their license. This change was made to comport with the ASWB requirements that test-takers have an MSW and two years of experience in a clinical setting before taking the examination.

Notwithstanding this change, however, LCSWAs still are required to pass the ASWB clinical examination within six years from their initial date of licensure and they cannot receive a subsequent associate license until they pass the examination. New language also provides that

supervision and experience hours acquired under an associate license expire six years from the date of initial licensure and that expired hours cannot apply toward future licensure.

- GS § 90B-8 Persons from other Jurisdictions. New language provides that any individual holding a temporary clinical social worker license by the Board must fulfill all requirements for licensure prior to the expiration of the temporary license.
- GS § 90B-9 Renewal of Certificates and License. Currently, all certificates and licenses shall be renewed on or before the second June 30th. New language provides that all certificates and licenses, excluding temporary licenses, shall be renewed on or before the expiration date of the certificate or license.

New language clarifies that late renewal fees will be charged for any renewal application that is received by the Board office after the close of business on the day prior to the expiration of the certificate or license.

New language also provides that an individual wishing to reinstate a license suspended for non-renewal must verify compliance with all current requirements of licensure.

- GS 90B-9.1 Nonpracticing Status. Under the newly formed GS § 90B-9.1, new language clarifies that individual on nonpracticing status shall not refer to themselves as certified or licensed by the Board and shall not engage in social work practice that requires an active certificate or license. Moreover, individuals on nonpracticing status are not required to take continuing education but they must submit documentation of the requisite continuing education hours in order to reactivate the certification or license.
- GS 90B-11 Disciplinary Procedures. Currently, the Board may impose discipline for the conviction or guilty plea of any misdemeanor under the Board's practice act. Effective January 1, 2021, the Board may impose discipline for the conviction or guilty plea of any misdemeanor involving moral turpitude, misrepresentation or fraud in dealing with the public, conduct otherwise relevant to fitness to practice social work, or any misdemeanor reflecting inability to practice social work with due regard to the health and safety of clients or patients.

New language also clearly defines the Board's authority to conduct criminal history record checks and to require individuals to submit to a mental health examination or substance abuse assessment. It also allows the Board to assess the costs of a disciplinary action against an applicant or licensee found to be in violation of the Board's practice act or rules.