

What's New

4/3/2020

Notice is hereby given in accordance with G.S. 150B-21.1 that the Social Work Certification and Licensure Board intends to adopt the rules cited as 21 NCAC 63 .0810.

Codifier of Rules approved this rule as an emergency rule effective April 8, 2020 and received for publication the following notice and proposed temporary rule on March 31, 2020.

Public Hearing:

Date: April 14, 2020

Time: 10:00 a.m.

Location: Via Zoom-<https://zoom.us/j/9668506783>, Meeting ID: 966 850 6783; One tap mobile: +16465588656, 9668506783# US (New York), +13126266799, 9668506783# US (Chicago); Dial by your Location: +1 646 558 8656 US (New York), +1 312 626 6799 US (Chicago), +1 301 715 8592 US, +1 346 248 7799 US (Houston), + 1 699 900 9128 US (San Jose), +1 253 215 8782 US

Reason for Proposed Temporary Action: *A serious and unforeseen threat to the public health, safety or welfare. In light of the State of National Emergency declared by President Trump as a result of the COVID-19 Virus and the urgent need to have licensed clinical social workers available to provide clinical social work services to clients and associate licensees impacted by the COVID-19 Virus, the Board has determined to waive certain provisions in its rules as set forth below and during the effective period of this Temporary Rule.*

Comment Procedures: *Comments from the public shall be directed to: Elizabeth N. Pope, NC Social Work Board Certification and Licensure Board, PO Box 1043, Asheboro, NC 27204; phone (336) 625-1679, Ext 226; fax (336) 625-4246; email epope@ncswboard.org. The comment period begins April 14, 2020 and ends May 12, 2020.*

SECTION .0800 – DISCIPLINARY PROCEDURES

21 NCAC 63 .0810 WAIVER

In light of the State of National Emergency declared by President Trump as a result of the COVID-19 Virus, and the urgent need to have licensed clinical social workers available to provide clinical social work services to clients and associate licensees impacted by the COVID-19 Virus, the Board has determined to waive certain provisions in its rules, as set forth below, and during the effective period of this Temporary Rule:

- (1) The Board shall waive the requirement for licensure set forth in 21 NCAC 63 .0211(a)(4) that requires preapproval by the Board to engage in more than 20 hours of supervision provided through the use of technology. This waiver will allow for up to half of the required supervision hours to be provided through the use of technology. This expanded definition will only apply until the state of emergency is lifted. 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;
- (2) The Board shall waive the requirement for licensure set forth in 21 NCAC 63 .0301 that requires applicants for licensure to pass the qualifying examination within two years of the initial application. An applicant who is unable to take the licensing

examination prior to the expiration of the associate license due to the testing service locations being closed shall make a written request to the Board. The Board shall provide a limited extension of the licensee's associate license and grant each associate licensee an extension to take the licensing examination not to surpass December 31, 2020.

- (3) The Board shall waive the requirement for licensure set forth in 21 NCAC 63 .0401(c)(4) that allows for half of the required continuing education accepted as distance learning to permit all hours for renewal to be accepted through distance learning that meet the requirements of 21 NCAC 63 .0401 and to include a minimum of four contact hours of continuing education focused on ethics related to social work practice and ethical decision making.

Authority G.S. 90B-6; 150B-19(6).

In accordance with the State of National Emergency, guidance from the Center for Disease Control, and Executive Orders from the Governor's Office, our office staff will be working remotely until it is determined safe to resume regular on-site business operations based on guidance provided by local authorities and government agencies. As the effects of coronavirus (COVID-19) remain a growing concern across the country, the North Carolina Social Work Certification and Licensure Board (“the Board” or “the NC Social Work Board”) wants to assure you that we are taking action to address the ongoing inquiries associated with COVID-19 and social work licensure. For more information on COVID-19 in North Carolina, [click here](#).

Please be advised that the Board is working diligently to address the concerns of licensees regarding electronic practice, clinical supervision, testing center closures and continuing education mandates; and we are making every effort to address these concerns. We appreciate your patience as we navigate through this challenging time. Please check the website regularly for updated information, as we will provide information on the Board’s website as it becomes available.

In an effort to reduce the increased volume of inquiries received by the Board office on a daily basis, the Board has compiled the following Frequently Asked Questions (FAQs) related to the Board’s licensing requirements.

If I am scheduled to take the Bachelors/Masters/Clinical Examination, what do I do?

For those of you still waiting to test, please follow ASWB's guidance. The time that the testing sites are down will not count against the two years you have to take and pass the exam, since the exam was not available.

At this time the Board understands that testing sites have closed and this has impacted those that have scheduled dates during the shut-down, as well as those planning to schedule. The Board has been advised that with the closing of the examination sites, new examination dates are not automatically being issued to applicants who have registered for the examination. [ASWB](#) advises that candidates will need to reschedule with [Pearson VUE](#), either online or by phone, however, please be advised that Pearson VUE is experiencing high call volume with wait-times longer than usual at the moment. You may also access [FAQ’s addressed by Pearson VUE here](#).

Please refer to the ASWB's normal processes and procedures for [making an appointment](#) to take an ASWB social work examination at a Pearson VUE test center. The above-referenced hyperlink includes access to information for cancelling or changing an appointment. ASWB candidates have the flexibility of canceling or changing their appointment without penalty by contacting Pearson VUE up to 24 hours before the scheduled appointment time.

*****IF YOUR ASSOCIATE LICENSE EXPIRES DURING THE PERIOD OF TESTING SITE CLOSURES, PLEASE EMAIL THE BOARD DIRECTLY AT INFO@NCSWBOARD.ORG REQUESTING A LIMITED EXTENSION OF YOUR ASSOCIATE LICENSE AND AN EXTENSION TO TAKE THE LICENSING EXAMINATION. PLEASE IDENTIFY ON THE SUBJECT LINE OF YOUR EMAIL: [EXTENSION REQUEST](#)*****

Can I receive clinical supervision via electronic means?

Pursuant to [21 NCAC 63 .0211\(a\)\(4\)](#), “Unless otherwise preapproved by the Board, no more than 20 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.*”

Please refer to the [Position Statement on Technology Facilitated Services](#) for best practice guidelines, paying particular attention to the section regarding confidentiality. Please note that supervision may not be conducted telephonically and must be provided through secure means.

What if I have already exceeded the twenty (20) hours of clinical supervision by electronic means allowed by the Board?

Pursuant to [21 NCAC 63 .0210\(d\)](#), “Each associate licensee must be supervised as set forth in G.S. 90B-7(f), and receive ongoing appropriate supervision as defined in Rule .0211(a)(2) of this Chapter until the associate licensee is licensed as a Licensed Clinical Social Worker.”

If my employer has issued a company-wide social distancing policy, am I able to practice electronically?

[The N.C. Social Work Certification and Licensure Act \[NCGS 90B\]](#) neither prohibits nor endorses electronic practice; however, the definition of [clinical social work practice](#) does include electronic practice (“by whatever means of communication”). As an occupational licensing agency, the expectation of the Board is that licensees comply with the [Statutes \[90B\]](#) and [Rules \[Title 21, Chapter 63 of the North Carolina Administrative Code\]](#) that govern social work practice in North Carolina (regardless of the service delivery method), as these principles set forth the minimum standards for licensees' conduct in the profession of social work. As a reminder, any violation of the Board's Statutes and/or Rules may result in disciplinary action. As licensees are exploring electronic practice, they are encouraged to select a course of action consistent with the Statutes and/or Rules that govern licensure and the conduct of licensees. Because electronic practice carries potential risks for ethical dilemmas, the Board has prepared a [Position Statement on Technology Facilitated Services](#) to assist licensees with navigating the provision of services by electronic means. Further, pursuant to [21 NCAC 63 .0503\(a\)](#), please note that licensees MUST ensure that

they have the requisite skill to engage in this area of practice prior to implementing clinical social work services by electronic means.

Can the Board issue an emergency/temporary change to the number of distance learning hours required?

As it relates to whether the Board may issue a temporary change to the number of distance learning hours, the [Social Worker Certification and Licensure Act](#) does not include such a provision, and absent specific statutory authority, we are unable to issue an emergency/temporary change absent a change to existing law. However, please be reminded that pursuant to [21 NCAC 63 .0401](#), live synchronous audio-video broadcasts allowing for real time interaction between the instructor and participants attended through electronic means counts toward the in-person training requirements. Renewal of certification or licensure shall require 40 contact hours of continuing education credits within each *two year renewal cycle*. Further, pursuant to [N.C.G.S § 90B-9](#), licensees have until August 30 of the renewal year to renew with a late fee, which allows 60 days after the renewal deadline of June 30 to satisfy the continuing education requirements. However, please note that *licensees will not be permitted to practice during the time period that his or her license is expired.*

If I hold a North Carolina LCSW or LCSWA, am I able to treat clients residing in other states?

If you hold a North Carolina LCSW or LCSWA license and are interested in providing services to someone residing outside of North Carolina, you would need to contact that jurisdiction(s) to determine if it requires you to be licensed there prior to providing services across state lines, even if you intend to do so electronically. As an NC licensee, it is important that you regularly review both the Board's [Statutes](#) and [Rules](#) and the statutes and rules of any jurisdiction in which you intend to practice to ensure compliance with all jurisdictions. While the NC Statutes do not prohibit electronic practice, and you are exploring whether to deliver services to a client who is located in different jurisdiction, you must first ensure that you satisfy the requirements for delivering service in both NC and in the jurisdiction in which the client is located to ensure you are not violating any laws.

If I am not licensed in North Carolina, but my client is in North Carolina, can I provide services to my client via electronic means?

Pursuant to [N.C.G.S. 90B-4 \(b\)](#), it is unlawful to engage in or offer to engage in the practice of clinical social work in North Carolina without first being licensed as a clinical social worker in North Carolina. If you would be providing any clinical social work services to individuals located in North Carolina, you would first be required to obtain licensure from the NC Social Work Board.

You may view the Board's licensure [application packet](#) on our [website](#) by clicking the Certification/Licensure link. The application details the [levels of certification/licensure](#) offered, in addition to the requirements and information that must be submitted to the Board for consideration. It is also important to note that the Board licenses individuals by way of substantial equivalency if an applicant currently is licensed in good standing at the comparable level in another jurisdiction. There is not a residency requirement to be licensed in NC.

In addition, we also offer the option of a temporary license at a reduced rate for a period of time not to exceed 6 months (pursuant to [21 N.C.A.C 63 .0213](#)). Pursuant to [N.C. Gen. Stat. § 90B-8\(b\)](#), you may be eligible to apply for a temporary license if you believe you will need to provide clinical social work services in North Carolina beyond the allowable 5 days in a single calendar year. You

may access the [Temporary License Application here](#) and instructions for applying. If you have any questions, please email dteague@ncswboard.org.

If you remain interested in providing services to your client that will continue to be located in North Carolina, I would also advise reading the [Position Statement on Technology Facilitated Services](#), which provides information regarding the Board's expectations, as well as familiarizing yourself with the [Statutes](#) and [Rules](#) that govern clinical social work practice in North Carolina. **Please note that practitioners MUST ensure that they have the requisite skill to engage in this area of practice prior to implementing clinical social work services by electronic means.**

If I am licensed in another jurisdiction and would like to provide clinical social work services to individuals in NC during the state of emergency and pursuant to Executive Order 116, can I practice in NC?

NC Governor Roy Cooper's [Executive Order No. 116](#) temporarily waives the licensure requirements for behavioral health care personnel who are licensed in another state to provide services within North Carolina. However, please be advised that this waiver will expire once the Executive Order is lifted. As detailed above, the temporary licensure is available and will be valid for a maximum of six months.

Any clinical social worker licensed in another state who wishes to provide clinical social work services (either through electronic means or in person) to individuals located in North Carolina must notify the NC Social Work Certification and Licensure Board at dteague@ncswboard.org of their intent to provide clinical social work services to someone located in North Carolina and also must identify the state(s) in which the clinical social worker is licensed and license number. This notification must be done PRIOR to providing clinical social work services to someone located in North Carolina. The Board will notify the clinical social work licensee once licensure has been confirmed that the provision of clinical social work services can commence. The licensure waiver is temporary and is effective only until Executive Order No. 116 is rescinded.

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.

SCAM ALERT

As telephone/internet fraud evolves, the Board is prompted to encourage awareness regarding Board contact. The Board recognizes that other Board's may have been targeted by scammers impersonating Board staff to obtain personal and/or financial information from licensees. Please be alert and use vigilance to avoid falling victim to those attempting to deceitfully obtain your personal information.

- Please be advised that the Board will not contact you by phone regarding notice of pending disciplinary action and resolution by payment. This type of communication is typically provided by mail.
- The Board will never ask for prepaid cards/gift cards as payment of licensure fees.
- If you receive a suspicious phone call from an individual identifying themselves as Board staff requesting your financial information, do not release any personal or financial information.
- If you have any questions regarding communication from the Board office, please contact the Board office directly at 336-625-1679 or email the Board at info@ncswboard.org. **Always be prepared to provide your license number to Board staff, as this is how the Board will verify your information.**

*****Please take time to participate in the brief survey accessible from the Quick Links section at the bottom of our home page to let us know how we are doing.***