LICENSURE LAW PACKET

This packet contains copies of the following documents:

Article 24 of North Carolina General Statutes
(The LPC Act)

Title 21, Chapter 53 of the North Carolina Administrative Code
(Rules Established by the Board)

Code of Ethics and Standards of Practice
(From the American Counseling Association, adopted by the LPC Board under North Carolina Administrative Code Section 53.0102)

Article 24 of North Carolina General Statutes Licensed Professional Counselors Act

§ 90-329. Declaration of policy.

It is declared to be the public policy of this State that the activities of persons who render counseling services to the public be regulated to insure the protection of the public health, safety, and welfare. (1983, c. 755, s. 1; 1993, c. 514, s. 1.)

§ 90-330. Definitions; practices of marriage and family therapy.

(a) Definitions. --As used in this Article certain terms are defined as follows:

(1) Repealed by Session Laws 1993, c. 514, s. 1.

(1a) The "Board" means the Board of Licensed Professional Counselors.

(2) A "licensed professional counselor" is a person engaged in the practice of counseling who holds a license as a licensed professional counselor issued under the provisions of this Article.

(3) The "practice of counseling" means holding oneself out to the public as a professional counselor offering counseling services that include, but are not limited to, the following:

a. Counseling. --Assisting individuals, groups, and families through the counseling relationship by treating mental disorders and other conditions through the use of a combination of clinical mental health and human development principles, methods, diagnostic procedures, treatment plans, and other psychotherapeutic techniques, to develop an understanding of personal problems, to define goals, and to plan action reflecting the client's interests, abilities, aptitudes, and mental health needs as these are related to personal-social-emotional concerns, education progress, and occupations and careers.

b. Appraisal Activities. --Administering and interpreting tests for assessment of personal characteristics.

c. Consulting. --Interpreting scientific data and providing guidance and personnel services to individuals, groups, or organizations.

d. Referral Activities. --Identifying problems requiring referral to other specialists.

e. Research Activities. --Designing, conducting, and interpreting research with human subjects.

(4) A "supervisor" means any licensed professional counselor or, when one is inaccessible, an equivalently credentialed mental health professional, as determined by the Board, with a minimum of five years of counseling experience who meets the qualifications established by the Board.

(b) Repealed by Session Laws 1993, c. 514, s. 1.

(c) Practice of Marriage and Family Therapy, Psychology, or Social Work. --No person licensed as a licensed professional counselor under the provisions of this Article shall be allowed to hold himself or herself out to the public as a certified marriage and family therapist, licensed practicing psychologist, psychological associate, or certified clinical social worker unless specifically authorized by other provisions of law. (1983, c. 755, s. 1; 1993, c. 514, s. 1.)

§ 90-331. Unlawful use of title "licensed professional counselor".

It shall be unlawful for any person who is not licensed under this Article to engage in the practice of counseling, use the title "licensed professional counselor", use the letters "LPC", use any facsimile or combination of these words or letters, abbreviations, insignia, or indicate or imply orally, in writing, or in any other way that the person is a licensed professional counselor. (1983, c. 755; s. 1; 1993, c. 514, s. 1.)

§ 90-332. Use of title by firm.

It shall be unlawful for any firm, partnership, corporation, association, or other business or professional entity to assume or use the title of licensed professional counselor unless each of the members of the firm, partnership, or association is licensed by the Board. (1983, c. 755, s. 1; 1993, c. 514, s. 1.)

§ 90-332.1. Exemptions from licensure.

(a) It is not the intent of this Article to regulate members of other regulated professions who do counseling in the normal course of the practice of their profession. Accordingly, this Article does not apply to:

(1) Lawyers licensed under Chapter 84, doctors licensed under Chapter 90, and any other person registered, certified, or licensed by the State to practice any other occupation or profession while rendering counseling services in the performance of the occupation or profession for which the person is registered, certified, or licensed.

(2) Any school counselor certified by the State Board of Education while counseling within the scope of employment by a board of education or private school.

(3) Any student intern or trainee in counseling pursuing a course of study in counseling in a regionally accredited institution of higher learning or training institution, if the intern or trainee is a designated "counselor intern" and the activities and services constitute a part of the supervised course of study.

(4) Any person counseling as a supervised counselor in a supervised professional practice under G.S. 90-336(b)(2).
(4.1) Any person counseling within the scope of employment at a local community college.
(4.2) Any person counseling within the scope of employment at a private higher education institution as defined in G.S. 116-22(1).
(5) Any ordained minister or other member of the clergy while acting in a ministerial capacity who does not charge a fee for the service, or any person invited by a religious organization to conduct, lead, or provide counseling to its members when the service is not performed for more than 30 days a year.
(6) Any nonresident temporarily employed in this State to render counseling services for not more than 30 days in a year, if the person holds a license or certificate required for counselors in another state.
(7) Any person employed by State, federal, county, or municipal government while counseling within the scope of employment
(8) Any person performing counseling solely as an employee of an area facility, as defined in G.S. 122C-3(14)a., if both of the following apply:
a. The services are provided by (i) a qualified professional as defined in G.S. 122C-3(31) and subject to the rules adopted by the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services, or (ii) an employee supervised by a qualified professional as defined in G.S. 122C-3(31);
b. The area facility has obtained written verification from the following boards that the employee has not had his or her license, registration, or certification revoked, rescinded, or suspended: the North Carolina Board of Licensed Professional Counselors, the North Carolina State Board of Examiners of Practicing Psychologists, the North Carolina Certification Board for Social Work, and the North Carolina Marital and Family Therapy Certification Board;
(9) Any person performing counseling as an employee of a hospital or other health care facility licensed under Chapter 131D, 131E or 122C who is performing this counseling under the supervision of a qualified professional as defined in G.S. 122C-3(31); and
(10) Any employee assistance professional providing core-specific employee assistance program (EAP) activities as defined by the Employee Assistance Professionals Association Standards for Employee Assistance Programs Part II: Professional Guidelines (1988).

(b) Persons who claim to be exempt under subsection (a) of this section are prohibited from advertising or offering themselves as "licensed professional counselors".
(c) Persons licensed under this Article are exempt from rules pertaining to counseling adopted by other occupational licensing boards.
(d) Nothing in this Article shall prevent a person from performing substance abuse counseling or substance abuse prevention consulting as defined in Article 5C of this Chapter. (1993, c. 514, s. 1; 1993 (Reg. Sess., 1994), c. 591, ss. 12, 16(a) , 16(b); c. 685, s. 2.)

§ 90-333. North Carolina Board of Licensed Professional Counselors; appointments; terms; composition.

(a) For the purpose of carrying out the provisions of this Article, there is hereby created the North Carolina board of Licensed Professional Counselors which shall consist of seven members appointed by the Governor in the manner hereinafter prescribed. Any nationally recognized association representing professional counselors may submit recommendations to the Governor for Board membership. The Governor may remove any member of the Board for neglect of duty or malfeasance or conviction of a felony or other crime of moral turpitude, but for no other reason.
(b) At least five members of the Board shall be licensed professional counselors except that initial appointees shall be persons who meet the educational and experience requirements for licensure as licensed professional counselors under the provisions of this Article; and two members shall be public-at-large members appointed from the general public. Composition of the Board as to the race and sex of its members shall reflect the population of the State and each member shall reside in a different congressional district.
(c) At all times the Board shall include at least one counselor primarily engaged in counselor education, at least one counselor primarily engaged in the public sector, at least one counselor primarily engaged in the private sector, and two licensed professional counselors at large.
(d) All members of the Board shall be residents of the State of North Carolina, and, with the exception of the public-at-large members, shall be licensed by the Board under the provisions of this Article. Professional members of the Board must be actively engaged in the practice of counseling or in the education and training of students in counseling, and have been for at least three years prior to their appointment to the Board. The engagement in this activity during the two years preceding the appointment shall have occurred primarily in this State.
(e) The term of office of each member of the Board shall be the three years; provided, however, that of the members first appointed, three shall be appointed for terms of one year, two for terms of two years, and two for terms of three years. No member shall serve more than two consecutive three-year terms.
(f) Each term of service on the Board shall expire on the 30th day of June of the year in which the term expires. As the term of a member expires, the Governor shall make the appointment for a full term, or, if a vacancy occurs for any other reason, for the remainder of the unexpired term.

(g) Members of the Board shall receive compensation for their services and reimbursement for expenses incurred in the performance of duties required by this Article, at the rates prescribed in G.S. 93B-5.

(h) The Board may employ, subject to the provisions of Chapter 126 of the General Statutes, the necessary personnel for the performance of its functions, and fix their compensation within the limits of funds available to the Board. (1983, c. 755, s. 1; 1993, c. 514, s. 1.)

§ 90-334. Functions and duties of the Board

(a) The Board shall administer and enforce the provisions of this Article.

(b) The Board shall elect from its membership, a chairperson, a vice-chairperson, and secretary-treasurer, and adopt rules to govern its proceedings. A majority of the membership shall constitute a quorum for all Board meetings.

(c) The Board shall examine and pass on the qualifications of all applicants for licenses under this Article, and shall issue a license or renewal of license to each successful applicant therefore.

(d) The Board may adopt a seal which may be affixed to all licenses issued by the Board.

(e) The Board may authorize expenditures deemed necessary to carry out the provisions of this Article from the fees which it collects, but in no event shall expenditures exceed the revenues of the Board during any fiscal year. No State appropriations shall be subject to the administration of the Board.

(f) The Board shall establish and receive fees not to exceed one hundred dollars ($100.00) for initial or renewal application, not to exceed one hundred dollars ($100.00) for examination, and not to exceed twenty-five dollars ($25.00) for late renewal, maintain Board accounts of all receipts, and make expenditures from Board receipts for any purpose which is reasonable and necessary for the proper performance of its duties under this Article.

(g) The Board shall have the power to establish or approve study or training courses and to establish reasonable standards for licensure and license renewal, including but not limited to the power to adopt or use examination materials and accreditation standards of any recognized counselor accrediting agency and the power to establish reasonable standards for continuing counselor education.

(h) Subject to the provisions of Chapter 150B of the General Statutes, the Board shall have the power to adopt, amend, or repeal rules to carry out the purposes of this Article, including but not limited to the power to adopt ethical and disciplinary standards.

(i) The Board shall establish the criteria for determining the qualifications constituting "supervised professional practice".

(j) The Board may examine counselor applicants, approve, issue, deny, revoke, suspend, and renew the licenses of counselor applicants and licensees under this Article, and conduct hearings in connection with these actions.

(k) The Board shall investigate, subpoena individuals and records, and take necessary appropriate action to properly discipline persons licenses under this Article and to enforce this Article. (1983, c. 755, s. 1; 1987, c. 827, s. 1; 1993, c. 514, s. 1.)

§ 90-335. Board general provisions.

The Board shall be subject to the provisions of Chapter 93B of the General Statutes. (1983,k c. 755, s. 1.)

§ 90-336. Title and qualifications for licensure.

(a) Each person desiring to be a licensed professional counselor shall make application to the Board upon such forms and in such manner as the Board shall prescribe, together with the required application fee.

(b) The Board shall issue a license as "licensed professional counselor" to an applicant who meets all of the following criteria:

(1) Has earned one of the following:

a. A masters degree in counseling from a regionally accredited institution of higher education, which includes a minimum of 48 semester hours.

b. A graduate degree in a related field supplemented with courses that the Board determines to be substantially equivalent.

(2) Has had no less than two years of masters or post-masters counseling experience, or of both, in professional setting, including a minimum of 2,000 hours of supervised professional practice as defined by the Board.

(3) Has passed an examination as adopted by the Board. (1983, c. 755, s. 1; 1993, c. 514, s. 1.)

§ 90-337. Persons credentialed in other states.

The Board may license any person who is currently licensed, certified, or registered by another state if the individual has met requirements determined by the Board to be substantially similar to or exceeding those established under this Article. (1983, c. 755, s. 1; 1993, c.514, s.1.)

§ 90-338. Exemptions.

Applicants holding certificates of registration as Registered Practicing Counselors in good standing with the board shall be issued licenses as licensed professional counselors without meeting the requirements of G.S. 90-336(b). The following applicants shall be exempt from the academic qualifications required by this Article for licensed professional counselors and shall be licensed upon passing the Board examination and meeting the experience requirements:

(1) Any applicant who was engaged in the practice of counseling before July 1, 1993, and who applies to the Board prior to January 1, 1996.

(2) An applicant who holds a masters degree from a college or university accredited by one of the regional accrediting associations or from a college or university determined by the Board to have standards substantially equivalent to a

regionally accredited institution, provided the applicant was enrolled in the masters program prior to July 1, 1994. (1983, c. 755, s. 1; 1993, c. 514, s. 1; 1993 (Reg. Sess., 1994), c. 685, s. 3; c. 769, s. 25.19.)

§ 90-339. Renewal of licenses.

(a) All licenses shall be effective upon the date of issuance by the Board, and shall expire on the second June 30 thereafter.

(b) All licenses issued hereunder shall be renewed at the times and in the manner provided by this section. At least 45 days prior to expiration of each license, the Board shall mail a notice for license renewal to the person licensed for the current licensure period. At least 10 days before the current license expires, the applicant must return the notice properly completed, together with a renewal fee established by the Board and evidence of continuing counselor education as approved by the Board, upon receipt of which the Board shall issue to the person to be licensed the renewed license for the period stated on the license.

(c) Any person licensed who allows the license to lapse for failure to apply for renewal within 45 days after notice shall be subject to the late renewal fee. Failure to apply for renewal of a license within one year after the license's expiration date will require that a license be reissued only upon application as for an original license. (1983, c. 755, s. 1; 1993, c. 514, s. 1.)

§ 90-340. Protection of the public.

The Board may, in accordance with the provisions of Chapter 150B of the General Statutes, refuse to grant or to renew, may suspend, or may revoke the license of any person licensed under this Article on one or more of the following grounds:

(1) Conviction of a misdemeanor under this Article.

(2) Conviction of a felony under the laws of the United States or of any state of the United States.

(3) Gross unprofessional conduct, dishonest practice or incompetence in the practice of counseling.

(4) Procuring or attempting to procure a license by fraud, deceit, or misrepresentation.

(5) Any fraudulent or dishonest conduct in counseling.

(6) Inability of the person to perform the functions for which a license has been issued due to impairment of mental or physical faculties.

(7) Violations of any of the provisions of this Article or rules of the Board.

(8) Violations of the American Counseling Association Ethical Standards adopted by the Board. (1983, c.755, s. 1; 1987, c. 827, s. 1; 1993, c. 514, s. 1.)

§ 90-341. Violation a misdemeanor.

Any person violating any provision of this Article is guilty of a Class 1 misdemeanor. (1983, c. 755, s.1; 1993, c. 539, s. 651; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 90-342. Injunction

As an additional remedy, the Board may proceed in a superior court to enjoin and restrain any person from violating the prohibitions of this Article. The Board shall not be required to post bond in connection with such proceeding. (1983, c. 755, s. 1.)

§ 90-343. Disclosure.

Any individual, or employer of an individual, who is licensed under this Article may not charge a client or receive remuneration for professional counseling services unless, prior to the performance of those services, the client is furnished a copy of a Professional Disclosure Statement that includes the licensee's professional credentials, the services offered, the fee schedule, and other provisions required by the Board. (1993, c. 514, s. 1.)

§ 90-344. Third-party reimbursements.

Nothing in this Article shall be construed to require direct third-party reimbursement to persons licensed under this Article. (1993, c. 514, s. 1.)

NORTH CAROLINA ADMINISTRATIVE CODE

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

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CHAPTER 53 - BOARD OF LICENSED PROFESSIONAL COUNSELORS

SECTION .0100 - GENERAL INFORMATION

.0101 ORGANIZATION

History Note: Filed as a Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984:
Statutory Authority G.S. 90-328:
Eff. July 1, 1984
Repealed Eff. March 1, 1989 in accordance with G.S. 150B-59(c).

.0102 PROFESSIONAL ETHICS

The Board of Licensed Professional Counselors has adopted the Code of Ethics and Standards of Practice promulgated by the American Counseling Association, effective 2005, including the guidelines for the practice of online counseling adopted in October 1999 and any subsequent revisions of or amendments to the Code of Ethics and Standards published by the American Counseling Association and they are hereby incorporated by reference. Copies of the Code of Ethics and Standards are available free of charge from the American Counseling Association, 5999 Stevenson Ave., Alexandria, VA 22304, and online at www.counseling.org.

History Note: Authority G.S. 90-334(h); 1993 S.L. c. 514, s.5;
Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Eff. July 1, 1984;
Amended Eff. July 1, 2006; July 1, 1994.

.0103 PURPOSE OF ORGANIZATION

History Note: Filed as a Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Statutory Authority G.S. 90-334; 1993 S.L. c. 514 s. 5:
Eff. July 1, 1984
Repealed Eff. July 1, 1994.

.0104 ORGANIZATION OF THE BOARD

History Note: Filed as a Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Statutory Authority G.S. 90-334(b); 1993 S.L. c. 514 s. 5:
Eff. July 1, 1984
Repealed Eff. July 1, 1994.

.0105 MEETINGS

History Note: Filed as a Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Statutory Authority G.S. 90-334; 1993 S.L. c. 514 s. 5:
Eff. July 1, 1984
Repealed Eff. July 1, 1994.

SECTION .0200 - DEFINITIONS AND CLARIFICATIONS OF TERMS

.0201 SUPERVISION

History Note: Filed as a Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Statutory Authority G.S. 90-334; 90-336(b)(3); 1993 S.L. c. 514 s. 5:
Eff. July 1, 1984
Amended Eff. April 1, 1989;
Repealed Eff. July 1, 1994.

.0202 PRIVILEGED COMMUNICATION

Privileged Communication shall mean any communication between client and counselor, given in confidence and not intended to be disclosed to third persons other than those to whom disclosure is made in the furtherance of the rendition of the professional services to the client.

History Note: Filed as a Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Statutory Authority G.S. 8-53.8; 90-334
Eff. July 1, 1984

.0203 STATEMENT OF PROFESSIONAL INTENT

History Note: Filed as a Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Statutory Authority G.S. 90-334;90-336; 1993 S.L. c. 514 s. 5:
Eff. July 1, 1984
Amended Eff. April 1, 1989
Repealed Eff. July 1, 1994

.0204 PROFESSIONAL DISCLOSURE STATEMENT

A professional disclosure statement is a printed document that includes the following information: name of licensee; the licensee's highest relevant degree, year degree received, and name of institution granting the degree; names and numbers of all

relevant credentials (licenses, certificates, registrations); number of years of counseling experience; description of services offered and clientele (populations) served; length of sessions, specific fee or range of fees charged per session (if no fee is charged, a statement to that effect), and methods of payment for services, including information about billing/insurance reimbursement; an explanation of confidentiality including responsibilities and exceptions; a statement of procedure for registering complaints, including the full name and address of the Board; and signature and date spaces for both client and licensee. A current copy of this statement should be filed with the Board and a copy shall be provided to each client prior to the performance of professional counseling services. Any changes in the disclosure statement shall be submitted to the Board. The counselor shall retain a file copy of the disclosure statement signed by each client.

History Note *Statutory Authority G.S. 90-334;90-343; S.L. c. 514 s. 5:*
Eff. July 1, 1984
Amended Eff. July 1, 1995

.0205 COUNSELING EXPERIENCE

Counseling [counseling services as defined in G.S. 90-330(a)(3)] experience applicable to the experience requirement for licensure consists of a minimum of 2000 hours of supervised professional practice. No more than 750 hours may be obtained as part of the master's degree. The remaining 1250 hours must be obtained after the master's degree has been awarded. The post-master's experience shall be for a period of at least two years. To be applicable, experience shall be gained at a rate of not less than eight hours per week. At least 100 hours of individual or group clinical supervision shall be documented during the minimum of 2000 hours of supervised professional practice at a rate of not less than one hour of clinical supervision per 40 hours of experience, and at least three-quarters of the hours of clinical supervision shall be individual.

History Note: *Authority G.S. 90-334(i); 90-336(b)(2);*
Eff. July 1, 1995;
Amended Eff. July 1, 2006.

.0206 MASTER'S COUNSELING EXPERIENCE

Master's counseling experience applicable to the experience requirement for licensure consists of supervised counseling experiences in professional settings in practica and internships which are part of the supervised course of study in the master's program in counseling in which the individual is enrolled.

History Note: *Authority G.S. 90-332.1(a)(3); 90-334(i); 90-336(b)(2);*
Eff. July 1, 1995.

.0207 PROFESSIONAL SETTING

A professional setting is one in which actual counseling occurs, i.e., counseling services are offered to an identified clientele on a regular basis. Professional settings shall include, but not be limited to, such public and private settings as: mental health centers, hospitals, elementary and secondary schools, university and community college counseling centers, and supervised independent practices.

History Note: *Statutory Authority G.S. 90-334(i); 90-336(b)(2);*
Eff. July 1, 1995.

.0208 SUPERVISED PROFESSIONAL PRACTICE

Supervised professional practice consists of counseling experience under the supervision of a qualified clinical supervisor, as defined in Rule .0209 of this Section, including a minimum of one hour of individual and group clinical supervision per 40 hours of counseling practice. At least three-quarters of the hours of clinical supervision shall be individual. Persons who are exempt from licensure under the provisions of G.S. 90-332.1(a)(4) and who wish to counsel as employed supervised counselors in supervised professional practices under G.S. 90-336(b)(2) shall have their arrangements for supervised practice approved by the Board prior to engaging in practice. Persons who wish to counsel as employed supervised counselors in independent (private) practices must be under the on-site supervision of a qualified clinical supervisor who provides supervision on a case-by-case basis, and must have their arrangements for supervised practice approved by the Board prior to engaging in practice.

History Note: *Authority G.S. 90-332.1(a)(4); 90-334(i); 90-336(b)(2);*
Eff. July 1, 1995;
Amended Eff. July 1, 2006.

.0209 QUALIFIED CLINICAL SUPERVISOR

A qualified clinical supervisor is a licensed professional counselor with at least a master's degree in counseling and a minimum of five years of counseling experience, with a minimum of two years post licensure experience or other equivalently licensed and experienced qualified mental health professionals, as determined by the Board. Equivalently experienced means that the licensed professional must have a minimum of five years counseling experience, with a minimum of two years post licensure experience.

History Note: *Authority G.S. 90-330(a)(4); 90-334(i); 90-336(b)(2);*
Eff. July 1, 1995;
Amended Eff. July 1, 2006.

.0210 INDIVIDUAL CLINICAL SUPERVISION

Individual clinical supervision consists of face-to-face contact between supervisee and supervisor during which the supervisee's counseling experience is discussed and critiqued. The discussion and critique shall be based on live observations, video-tapes, audio-tapes, or verbatim transcripts of actual counseling sessions conducted by the supervisee. Supervisee self-reports and process (case) notes may be used to supplement the more direct forms and records of the supervisee's counseling sessions, but may not be used exclusively in lieu of them.

History Note: Statutory Authority G.S. 90-334(i); 90-336(b)(2);
Eff. July 1, 1995.

.0211 GROUP CLINICAL SUPERVISION

Group clinical supervision consists of face-to-face contact between groups of supervisees (not to exceed 10 supervisees per group) and supervisor during which the supervisees' counseling experiences are discussed and critiqued. The discussion and critique shall be based on live observations, video-tapes, audio-tapes, or verbatim transcripts of actual counseling sessions conducted by the supervisees. Supervisee self-reports and process (case) notes may be used to supplement the more direct forms and records of the supervisees' counseling sessions, but may not be used exclusively in lieu of them.

History Note: Statutory Authority G.S. 90-334(i); 90-336(b)(2);
Eff. July 1, 1995.

.0212 FACE TO FACE SUPERVISON DEFINED

For the purposes of this Chapter, face to face supervision means supervision that is live, interactive, and visual. Video supervision with no interaction with the facilitator does not qualify for face to face supervision.

History Note: Authority G.S. 90-334(h);
Eff. July 1, 2006.

SECTION .0300 - HOW TO OBTAIN LICENSURE

.0301 APPLICATIONS

Inquiries are to be directed to, and applications and forms shall be obtained from and returned to the Administrator of the Board. Applications shall be submitted only on forms obtained directly from the Board office.

History Note: Filed as a Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Statutory Authority G.S. 90-334; 90-336(a); 1993 S.L. c. 514, s. 5;
Eff. July 1, 1984
Amended Eff. July 1, 1995; July 1, 1994; April 1. 1989.

.0302 TRANSCRIPTS

The applicant must have official transcripts sent from institutions where graduate credit was earned. If the transcript course titles are ambiguous or do not adequately convey the pertinent content of the courses, clarifying documents may be requested.

History Note: Filed as a Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Statutory Authority G.S. 90-334; 90-336;
Eff. July 1, 1984

.0303 WORK EXPERIENCES (REPEALED)

History Note: Filed as a Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Statutory Authority G.S. 90-334; 90-336; 1993 S.L. c. 514, s. 5;
Eff. July 1, 1984
Amended Eff. April 1. 1989;
Repealed Eff. July 1, 1994.

.0304 APPLICANTS LICENSED IN OTHER STATES

If a candidate is licensed to practice counseling by a Board in another state, the applicant must apply for licensure with the North Carolina Board. The Board shall consider the application in accordance with the provisions of G.S. 90-336 and G.S. 90-337.

History Note: Authority G.S. 90-334; 90-337; 1993 S.L. c. 514, s. 5;
Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Eff. July 1, 1984;
Amended Eff. July 1, 2006; July 1, 1994.

.0305 EXAMINATION

The National Counseling Examination (NCE) of the National Board for Certified Counselors (NBCC) is the examination required for licensure. The Board shall accept counselor licensing examinations from other states if the examinations are recognized by the NBCC. The Board shall accept examinations administered by other state counselor licensing boards and professional counselor credentialing associations if the Board determines that such examinations are equivalent to the NCE relative to content and minimum satisfactory performance level.

History Note: Authority G.S. 90-334(g); 90-336(b)(3); 90-337;
Eff. July 1, 1995;
Amended Eff. July 1, 2006

.0306 REPORTING OF SCORES

Each applicant for licensure shall be informed in writing whether s/he has passed or failed the examination. Each applicant's score and the score required for passing shall be reported.

History Note: Statutory Authority G.S. 90-334(g); 90-336(b)(3);
Eff. July 1, 1995.

.0307 RETAKING OF EXMINATION

Applicants who do not pass the examination may retake it at the next regularly scheduled examination date upon registering and paying the required examination fee. Applicants who fail the examination a second time during an application period shall be denied licensure; such applicants may reapply for licensure.

History Note: Statutory Authority G.S. 90-334(g)(i);
Eff. July 1, 1995.

.0308 RECEIPT OF APPLICATION

Applications and all supporting documentation shall be received by the Board (not postmarked) by the close of the business day not less than 90 days prior to the next regularly scheduled examination date in order for applicants to be eligible to take the examination on that date.

History Note: Authority G.S. 90-336(a);
Eff. July 1, 1995;
Amended Eff. July 1, 2006

.0309 AGREEMENT TO ABIDE BY NCBLPC ETHICAL STANDARDS

Upon application for initial license and upon application for each succeeding renewal of such license, if granted, each applicant shall sign a statement agreeing to abide by the ethical standards adopted by the Board. If an applicant fails to sign the statement, the Board shall notify the applicant in writing of the statutory requirement to abide by the ethical standards adopted by the Board.

History Note: Statutory Authority G.S. 90-334(g); 90-336(a);
Eff. July 1, 1995.

SECTION .0400 - DISCIPLINARY PROCEDURES

.0401 RULE OF PROCEDURE

When the Board is made aware of an individual who is engaging in the practice of counseling who is not licensed by the North Carolina Board of Licensed Professional Counselors, the North Carolina Board of Examiners of Practicing Psychologists, the North Carolina Social Work Certification and Licensure Board, or the North Carolina Marital and Family Therapy Licensure Board, or other North Carolina Boards with statutory authority to regulate the practice of counseling, or who is not otherwise exempt from the provisions of G.S. 90, Article 24, or who is using the designation "Licensed Professional Counselor" without being licensed by the North Carolina Board of Licensed Professional Counselors, a registered letter with return receipt, showing delivery to addressee only, shall be mailed to the last known address of the person in question. The letter shall direct attention to pertinent aspects of the law and the rules of the Board. If this does not induce said person to cease violating the law and to desist from practicing counseling, and using the title "Licensed Professional Counselor," the information shall be forwarded to the appropriate law enforcement authorities.

History Note: Authority G.S. 90-331; 90-334; 90-341;
Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Eff. July 1, 1984;
Amended Eff. July 1, 2006; July 1, 1994; April 1, 1989.

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.0402 GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE

When an individual who is licensed pursuant to G.S. 90, Article 24 is charged with violating any of the provisions of G.S. 90-340, the Board may conduct proceedings to investigate the complaint. The Board may conduct hearings to determine if grounds for denial, suspension, or revocation of a license have occurred. The Board may then impose appropriate sanctions.

History Note: Statutory Authority G.S. 90-334; 1993 S.L. c. 514, s. 5;
Eff. July 1, 1994.

.0403 ALLEGED VIOLATIONS

All complaints of alleged violations shall be in writing and shall be signed by the complainant(s).

History Note: Statutory Authority G.S. 90-334;
Eff. July 1, 1995;

.0404 FORMAL COMPLAINTS

Formal complaints of a Licensed Professional Counselor's unethical conduct shall bear the complainant's signature, include the complainant's address and telephone number, date and location of the alleged violation(s), a detailed description of the incident(s), and required signed releases.

History Note: Statutory Authority G.S. 90-334;
Eff. July 1, 1995.

.0405 DISCIPLINARY ACTION

Board disciplinary actions may include the following:

(1) Reprimand. Reprimand is a public rebuke and sanction by the board for misconduct in the practice of counseling. The Board may require specific follow-up actions by the counselor.

(2) Probation. Probation is a stay of suspension or revocation allowing the limited practice within conditions stipulated by the Board. Violation of any of these conditions may result in suspension or revocation.

(3) Suspension. Suspension is the withdrawal of privilege to practice for a specified period of time.

(4) Revocation. Revocation is the withdrawal of privilege to practice as a licensed professional counselor in the State of North Carolina.

History Note: Statutory Authority G.S. 90-334;
Eff. July 1, 1995.

SECTION .0500 - FEES

.0501 APPLICATION FEE

An application fee of one hundred dollars ($100.00) will be assessed for processing each application.

History Note: Filed as a Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Statutory Authority G.S. 90-334; 1993 S.S. c. 514, s. 5;
Eff. July 1, 1984;
Amended Eff. July 1, 1994.

.0502 EXAMINATION FEE

Examination fees are set by the individual examination agencies but shall not exceed the amount set in G.S. 90-334(f).

History Note: Authority G.S. 90-334;
Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Eff. July 1, 1984;
Amended Eff. July 1, 2006; July 1, 1994.

.0503 RENEWAL FEE

The biennial renewal fee of one hundred dollars ($100.00) is due and payable by June 20 of the renewal year. Checks shall be made payable to the North Carolina Board of Licensed Professional Counselors. Failure to pay the biennial renewal fee within the time stated shall automatically suspend the right of any licensee to practice while delinquent. Such lapsed licensure may be renewed within a period of one year after expiration upon payment of the renewal fee plus a late renewal fee of twenty-five dollars ($25.00), provided all other requirements are met.

History Note: Authority G.S. 90-334; 90-339;
Temporary Rule Eff. February 21, 1984, for a Period of 120 Days to Expire on June 19, 1984;
Eff. July 1, 1984;
Amended Eff. July 1, 2006; July 1, 1994.

SECTION .0600 - RENEWAL OF LICENSE

.0601 RENEWAL PERIOD

Newly issued licenses shall be effective upon the date of issuance by the Board and shall expire on the second June 30 thereafter. The renewal period for a newly issued license, therefore, may be less than two years. Following the first renewal of a newly issued license, the renewal period shall be two years and shall run from July 1 in the first year through June 30 in the second year.

History Note: Statutory Authority G.S. 90-339;
Eff. July 1, 1995.

.0602 RENEWAL REQUEST FORM

Requests for license renewal shall be submitted on the original Request for Continuing Education Activities Approval forms provided by the Board. All requested information and supporting documentation shall be provided and the forms shall be signed and dated.

History Note: Statutory Authority G.S. 90-334(g); 90-336(a); 90-339(b);
Eff. July 1, 1995.

.0603 CONTINUING EDUCATION

(a) Continuing education is required for the renewal of licenses to ensure that Licensed Professional Counselors maintain their professional knowledge and competency in the field of counseling. Continuing education activities appropriate for the purpose of license renewal are those that are directed toward professionals in the mental health field and that focus on increasing knowledge and skills in the practice of counseling in one or more of the following content area: counseling theory; human growth and development; social and cultural foundations; the helping relationship; group dynamics, processing, and counseling; lifestyle and career development; appraisal of individuals; diagnosis and treatment planning; research and evaluation; and professional orientation.

(b) Forty contact hours of continuing education are required within the two-year license renewal period. However, in the cases of newly issued licenses in which the initial renewal periods are less than two full years, 30 contact hours are required. Contact hours are defined as the number of actual clock hours spent in direct participation in a structured education format as a learner. Typically, one Continuing Education Unit (CEU) is equivalent to 10 contact hours. In a college or university graduate course, one semester hour of credit is equivalent to 15 contact hours and one quarter hour of credit is equivalent to 10 contact hours.

History Note: Statutory Authority G.S. 90-334(g); 90-339;
Eff. July 1, 1995.

.0604 FAILURE TO SECURE SUFFICIENT CONTINUING EDUCATION/RENEWAL OF LICENSE

Licensed Professional counselors who fail to document sufficient appropriate continuing education activities to renew their licenses shall be notified in writing of the deficiencies in their continuing education activities and shall be allowed 45 day from the date of notification to respond to the noted deficiencies. Continuing education activities cannot be undertaken during this period for the purpose of supplementing the continuing education activities submitted on the renewal form. The licenses of LPCs who fail to respond within the 45 day period following notification shall lapse and be subject to the late renewal fee. LPCs who are unable to provide documentation of sufficient continuing education activities to renew their licenses have the option of retaking the National Counselor Examination (NCE) for the purpose of renewal of their lapsed licenses within one year of the expiration dates of their licenses (which in all cases fall on June 30 in the year of expiration). Passing results are required for license renewal. Failure to take and pass the NCE within one year after the license's expiration date will require that a license be reissued only upon application as for an original license.

History Note: Statutory Authority G.S. 90-334(g); 90-339;
Eff. July 1, 1995.

Code of Ethics and Standards of Practice
of the American Counseling Association (2005)
(Adopted by the North Carolina Board of Licensed Professional Counselors)

Preamble

The North Carolina Board of Licensed Professional Counselors (NCBLPC or the "Board") was established under provisions of the Licensed Professional Counselors Act (LPC Act), which was ratified on July 24, 1993 as Article 24, Chapter 90, General Statutes of the State of North Carolina, to become effective July 1, 1994. The LPC Act Board, which was appointed by the Governor in December, 1993, is empowered by the LPC Act to carry out the provisions of the Act, which include adopting ethical standards [G.S. 90-340(B)].

The specification of Ethical Standards and Standards of Practice enables the Board to clarify to present and future licensees, and to the public served by its licensees, the nature of ethical responsibilities held in common by Licensed Professional Counselors in North Carolina. All Licensed Professional Counselors are required to adhere to the Code of Ethics and the Standards of Practice. The following document will serve as the basis for processing ethical complaints initiated against licensees in North Carolina.