



# UPDATE

North Carolina Social Work Certification and Licensure Board

FALL, 2007

## MESSAGE FROM THE CHAIR

William E. Lamb, MSW, CMSW



William E. Lamb, MSW, CMSW

As noted in other sections in this newsletter, this past year has been very busy in the NC General Assembly. Chapter 90 B of the General Statutes has been revised with respect to:

- ❖ P-LCSW licensees must pass the ASWB clinical exam within two years.
- ❖ P-LCSW licensees must complete all clinical practice hours within six years.
- ❖ Removal of exemption language for individuals engaged in clinical social work practice in a hospital or healthcare setting. You must now be licensed.
- ❖ All those certified or licensed by the NCSWC&L Board must cooperate with inquiries.

- ❖ Certified and Licensed social workers must display their credential in the primary place of employment.

I want to express my thanks to a committee of individuals representing NASW-NC, the NC Clinical Society, and the Social Work Certification and Licensing Board for the work they put into this effort. This group included Kathy Boyd and Jack Register from NASW, Janet Cheek and Drew Pledger from the Clinical Society, Mat Sandifer from the JMSW Program, and Micki Lilly, Jackie Claes and Mary Shuping representing the Licensing Board.

This group was able to move from conceptual ideas about needed changes to concrete recommendations. They were also able to respond to the drifts in the legislative process when our ideas weren't exactly what the General Assembly had in mind.

A very special thanks is in order for Jack Register. He was the day-to-day person who carried the water to the legislators in the General Assembly, and what was enacted is the fruit of his labors.

I should give my thanks to Senator Daniel Clodfelter and Representative Verla Insko. They were also principle actors in getting our legislation passed. Please thank them if you get a chance.

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### NCSWCLB MEMBERS

**WILLIAM E. LAMB**  
MSW, CMSW  
CHAIR  
PROFESSIONAL MEMBER  
2nd Term Expires: 6/30/08

**PATRICIA J. HEARD**  
MSW, LCSW  
VICE-CHAIR  
PROFESSIONAL MEMBER  
2nd Term Expires: 6/30/10

**RONALD W. PENNEY, MPA**  
SECRETARY-TREASURER  
PUBLIC MEMBER  
2nd Term Expires: 6/30/09

**LEON MAYNOR, BA**  
PUBLIC MEMBER  
2nd Term Expires: 6/30/09

**JANET URMAN, MSW, LCSW**  
PROFESSIONAL MEMBER  
1st Term Expires: 6/30/08

**DEANA F. MORROW, Ph.D.,  
LPC, LCSW, ACSW**  
PROFESSIONAL MEMBER  
1st Term Expires: 6/30/08

**JERRY W. RHODES**  
MSW, CSWM  
PROFESSIONAL MEMBER  
2nd Term Expires: 6/30/10

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OFFICE HOURS  
9 A.M. TO 5 P.M.  
MONDAY-FRIDAY

# UNDERSTANDING DISCIPLINARY ACTIONS

RICHARD D. FERRISS, MSW, LCSW, CSWM, ETHICS DIRECTOR

When the North Carolina Social Work Certification and Licensure Board resolves an ethics complaint, it can discipline a license or certificate if it finds that a violation of the Social Worker Certification and Licensure Act has occurred. In this article the disciplinary options and some of their implications will be discussed and reviewed. It is important to keep in mind that most ethics complaint resolutions are nondisciplinary. From 1989 through 2006, less than 17% of the complaints resolved by the N.C. Social Work Certification and Licensure Board resulted in disciplinary action.

The resolution of an ethics matter is fact-dependent, with the most serious sanctions imposed for the most serious violations. The most common example of a severe sanction is revocation when the social worker has had a sexual relationship with a current or former client. The decisions are grounded in the need to protect the public, and recognize that most social workers who have violated the codes can safely practice if they can acknowledge and successfully address the causes of the difficulty. The Board can and often does reach nondisciplinary resolutions to complaints that require the social worker to engage in supervision, continuing education, or treatment.

The following definitions are taken from Title 21:63.0102 of the North Carolina Administrative Code, which can be accessed on the Board's website at [www.ncswboard.org](http://www.ncswboard.org).

- **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.
- **Censure** is an act involving severe condemnation and sanction by the Board for practice misconduct. Censuring is typically for severe offenses and may require specific follow-up actions by the social worker.
- **Probation** is a stay of revocation or suspension allowing limited practice within preconditions established by the Board. Violations of these conditions can result in revocation.
- **Suspension** is the withdrawal of privilege to practice for a specific period of time.
- **Revocation** is the withdrawal of privilege to practice as a certified or licensed social worker in the State of North Carolina.

The Board is required to report social workers who have been disciplined to the national Healthcare Integrity and Protection Data Bank (HIPDB). We accomplish this by submitting the required information (the social worker's identifying information, Board action taken with relevant dates, basis for the action, and a legally sufficient narrative) to the Association of Social Work Boards (ASWB), who is our intermediary in reporting to HIPDB. ASWB operates the Disciplinary Action Reporting System (DARS) that files the report with HIPDB. All reported actions are permanently recorded in the database, and are not removed. If the disciplinary action is subject to future change or modification, such as the restoration of a suspended license, another report is made reflecting the new status.

In addition to the disciplines defined above, other Board actions are reportable to DARS, such as the denial of initial licensure, unlicensed practice or surrender of a license.

A silver lining to this cloudy topic is the unacclaimed public service of Licensed Clinical Social Workers who offer supervision or therapy to their disciplined colleagues. The Board wishes to take this opportunity to personally thank you for all that you do. ❖

## Continuing Education Audit Completed

The Continuing Education Audit for the 2006 renewal cycle has been completed. While the majority of individuals audited were able to comply with the Board's request to submit verification of attendance or certificates of completion for all continuing education activities documented for the 2004 through 2006 certification/licensure cycle, a few problems are being addressed.

As N.C. General Statute § 90B-9(b) stipulates the need to provide the Board with evidence of completion of continuing education requirements, and as the Board does not require submission of these documents at the time of renewal, social workers are encouraged to maintain such documents for at least the two-year period following each renewal in anticipation of a pending audit. The annual audit is initiated in the Fall following a renewal as this allows time for late renewals that may be received through August. To be prepared, social workers should make sure they can access their continuing education file and their certificates to respond to an audit request within thirty (30) days.

## Clinical Social Work Practice and Supervision

The information provided here is offered by the Board as guidelines for supervision of clinical social work practice. It is taken from the Supervisor Manual prepared by the Board and available on the Board's website.

The Board views clinical supervision as a quantitative and qualitative evaluation of the supervisee's performance and shall provide for professional guidance to the supervisee; approval of the supervisee's intervention plans and their implementation; the assumption of responsibility for the welfare of the supervisee's clients; and assurance that the supervisee functions within the limits of their license. Clinical supervisors are reminded that all provisional licensees (P-LCSW) engaged in clinical social work practice shall have clinical supervision as long as he/she is provisionally licensed.

In accordance with the Statutes and Rules governing social work practice in North Carolina, clinical supervision may be rendered by a clinical social worker licensed by the State of North Carolina who also holds a MSW degree from a Council on Social Work Education (CSWE) accredited social work program; and who has at least two (2) additional years of clinical social work practice experience post-LCSW licensure.

The Board may deem acceptable an alternate supervisor whose credentials and experience are substantially equivalent to that of a North Carolina LCSW and who otherwise satisfies the requirement of two years' clinical practice experience post-clinical social work licensure. This exception is available to address circumstances when LCSW supervision is simply not available because of geographic issues, such as practice in very rural areas or international practice. However, a P-LCSW licensee must obtain the Board's prior written approval of any person rendering supervision other than that described above.

Clinical supervision shall consist of face-to-face contact between the provisional licensee and the supervisor on a regular basis. Supervision must consist of at least one hour of face-to-face individual or group clinical supervision for every thirty (30) hours of clinical practice with a minimum of two (2) hours of supervision per month.

Although some agency practice allows for ongoing group supervision, supervisors and supervisees should remember that a maximum of twenty-five (25) hours of group supervision may be applied toward meeting the supervision

requirements for LCSW licensure. To ensure effective use of the supervision experience, group supervision should provide for no more than four (4) social workers in a single group.

During supervision, the provisional licensee's clinical cases are discussed and the provisional licensee apprises the supervisor of the diagnosis and treatment of each client. The supervisor provides the provisional licensee with oversight and guidance in diagnosing and treating clients and accepts responsibility for the clinical practice with each client seen by the supervisee. Throughout the supervisory relationship, the supervisor should regularly review and evaluate the professional work of the supervisee which should include but not be limited to the content areas of clinical skills, practice management skills, skills required for continuing competence, development of professional identity, and ethical practice.

As previously stated, it is the Board's expectation for supervisors that they shall retain responsibility for the standards of clinical social work practice with respect to treatment rendered to the provisional licensee's client(s). It is also expected that the provisional licensee shall disclose that he or she is practicing under supervision, shall identify the supervisor for the client, and shall obtain written consent to disclose information to the supervisor.

Together, the provisional licensee and the supervisor shall ensure that progress reports concerning the provisional licensee's clinical practice and participation in supervision is properly documented to the State regulatory Board through completion of the P-LCSW Six-Month Review form. This form requires verification of the supervisee's clinical employment, an assessment of his or her progress, and documentation of supervision.

Supervision and subsequent progress reports submitted to the Board shall, at a minimum, contain an assessment of the following information concerning the provisional licensee:

- Ability to establish a professional relationship;
- Effective use of supervision;
- Knowledge of social work principles and practices;
- Ethical standards of social work practice;

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## PROFESSIONAL CORPORATIONS/ASSOCIATIONS, OR PROFESSIONAL LIMITED LIABILITY COMPANIES FREQUENTLY ASKED QUESTIONS

MARY SHUPING, ATTORNEY WITH ALLEN AND PINNIX, P.A.  
MICKI LILLY, MSHE, NCSWCLB EXECUTIVE DIRECTOR

**M**ental Health Reform has changed the landscape of clinical social work practice. The Area Mental Health Program we have come to know in the past has given way to local mental health management entities (LME), and private provider agencies that provide outpatient services through contractual arrangements. A side effect to this change is an increase in social workers establishing their own private practice services, many of whom wish to form a professional corporation or professional limited liability company.

Since the Board cannot give legal advice, social workers interested in incorporating are encouraged to seek guidance from their professional association(s) or consult an attorney familiar with corporate law.

It has come to the attention of the Board that there are many questions social workers have regarding their responsibility to this Board as it relates to forming a professional corporation or professional limited liability company.

**Q. What is a Professional Corporation/Association (PC/PA) or Professional Limited Liability Company (PLLC)?**

- A. *Professional Corporation/Association (PC/PA)* means a corporation which is engaged in rendering the professional services as specific and defined, pursuant to a certificate or registration that is issued by the Licensing Board regulating the professional practice.
- B. *Professional Limited Liability Company (PLLC)* means a limited liability company that is a unique form of business organization permitted to be established under North Carolina law, which is created by an Operating Agreement (rather than Articles of Incorporation for a corporation), owned by members (rather than shareholders of a corporation) and managed by managers (rather than officers and directors of a corporation). N.C. General Statute § 57C-2-01(c) explicitly permits a Professional Limited Liability Company to render professional services to the same extent as a professional corporation established under N.C. General Statute § 55B.

**Q. Who can form a PC or PLLC?**

- A. With regard to social workers, only Licensed Clinical Social Workers can form a PC or PLLC. However, LCSW's may form PC's or PLLC's with certain other professions. (See next question.)

**Q. As an LCSW, can I incorporate or organize with others?**

- A. Yes, in some cases. Licensed Clinical Social Workers may form a professional corporation (or PLLC) as a sole proprietor, incorporate with other Licensed Clinical Social Workers, and/or incorporate with other professionals as defined by the Professional Corporation Act. Specifically, a PC or PLLC may be formed by and between or among an LCSW and a physician, licensed psychologist, certified clinical specialist in psychiatric and mental health nursing, licensed marriage and family therapist, or licensed professional counselor.

**Q. Am I required to have a physician or licensed psychologist as an officer or director of my professional corporation?**

- A. No. There was some confusion about this. HB 1785 was passed in the 2007 General Assembly to clarify that licensed clinical social workers are not required to have a physician or licensed psychologist as a director or shareholder in the professional corporation.

**Q. Do I have to get a certificate of registration?**

- A. Yes, pursuant to the Professional Corporations Act, N.C. General Statute § 55B-10, "No professional corporation shall open, operate, or maintain an establishment for any of the purposes set forth in this Chapter without first having obtained a certificate of registration from the licensing board or boards." The certificate of registration is required for all professional corporations (general or C Corporation, Subchapter or S Corporations, Close Corporations, PC, PA, etc.) as well as PLLC's.

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# ANNUAL REPORT

July 1, 2006 – June 30, 2007

## Board Members:

William Lamb, MSW, CMSW: Chair, Professional Member  
Pat Heard, MSW, LCSW: Vice-Chair, Professional Member (Private Sector)  
Ron Penney, MPA: Secretary-Treasurer, Public Member  
Jerry Rhodes, MSW, CSWM: Professional Member (Public Sector)  
Leon Maynor, BA: Public Member  
Deana Morrow, Ph.D., LPC, LCSW, ACSW, Professional Member (Educator)  
Janet Urman, MSW, LCSW, Professional Member (Private Sector)

The NCSWCLB met on a monthly basis to complete the duties and functions as assigned by Chapter 90B, Social Worker Certification and Licensure Act, North Carolina General Statutes.

A. Activity for the period 7/1/06 through 6/30/07	Total Number Processed
1. Applicants for examination: .....	532
2. Applicants denied examination: .....	03
3. Applicants sitting for examination (any level): .....	428
4. Applicants passed Bachelors level exam: .....	09
5. Applicants failed Bachelors level exam: .....	02
6. Applicants passed Masters level exam: .....	04
7. Applicants failed Masters level exam: .....	03
8. Applicants passed Advanced Generalist level exam: .....	01
9. Applicants failed Advanced Generalist level exam: .....	00
10. Applicants passed Clinical level exam: .....	240
11. Applicants failed Clinical level exam: .....	169
12. Applications for certification/licensure received: .....	950
13. Applicants issued initial certification/licensure: .....	895
14. Applicants issued certification/licensure by comity: .....	164
15. Certificates/licenses suspended or revoked through disciplinary action: .....	06
16. Certificates/licenses terminated for any reason: .....	120
17. Certificates/licenses currently listed as nonpracticing: .....	92
18. Applications for certification renewal: .....	2202

## B. Current Number of Certificates/Licenses by Level on June 30, 2005

Level A – Certified Social Worker .....	Active .....	231
Level B – Certified Master Social Worker .....	Active .....	166
Level C – Licensed Clinical Social Worker .....	Active .....	4285
Level C – Provisional Licensed Clinical Social Worker .....	Active .....	1083
Level H – Certified Social Work Manager .....	Active .....	36
TOTAL CERTIFICATIONS .....	Active .....	5801

- C. The Board continues to maintain on site and through a web listing, MSW/LCSW Clinical Social Workers willing to supervise P-LCSW licensees as they work toward full licensure. This roster is updated annually.
- D. The Board, in a coordinated effort with the North Carolina Chapter of the National Association of Social Workers (NASW-NC), continues to participate in the provision of training for continuing education directed toward clinical supervision.

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- E. Publications: The Board has prepared and updated a supervisory manual to provide guidance to those individuals providing supervision to provisional licensees. The manual is available for downloading from the Board's website at [www.ncswboard.org](http://www.ncswboard.org).

The Board has also prepared an information pamphlet on the Ethics Complaint Process. A copy of the pamphlet is sent to all social workers who have a complaint filed against them, and was published as an article in the Board's Spring 2006 edition of its newsletter, *Update*.

- F. The Board maintains a license/certification search engine on their website for verification of current credentials.
- G. Board members made nine (09) presentations in response to requests from various agencies, school systems, social work organizations and Schools of Social Work. Topics included Social Work Certification and Licensure, Ethics, NCSWCLB Expectations for P-LCSW Clinical Supervisor, and Legislative Changes.
- H. The Board acted upon seventy-three (73) ethical complaints against social workers under NCGS § Chapter 90B, the North Carolina Social Worker Certification and Licensure Act. Twenty-four (24) telephone complaints were received and fifty-three (53) written complaints were received. Investigations were initiated in twenty-eight (28) matters that came before the Board.

Of the complaints acted upon, the Board issued a Letter of Caution or Concern in twelve (12) matters; twenty-five (25) allegations were unsubstantiated; and five (5) matters were closed with no action. Six (6) cases were presented to the Board through the administrative hearing process. The Board denied licensure to one (1) applicant. Disciplinary action through suspension was taken in four (4) matters; five (5) licenses were revoked; one (1) licensee was placed on probation; and five (5) licensees were reprimanded. The Board entered into a nondisciplinary consent agreement in fifteen (15) matters before the Board. The Board also ordered a Mental Health and/or Substance Abuse assessment for four (4) licensees or applicants, and restored two (2) licenses to good standing in response to compliance with a Board order.

- I. The Board made significant progress toward reaching a number of goals, including proposed statutory changes that would enhance public protection. The proposed statutory changes would eliminate exemptions from the requirement for licensure to engage in clinical social work practice; require social workers to display their credential in their primary place of practice; provide minimum guidelines for records retention; require social workers to cooperate fully and in a timely manner with the Board in inquiries and investigations; and provide assurance of competent practice by provisional licensees through requiring successful examination at the clinical level to be eligible for renewal of that license.
- J. In August 2006, the Board moved to a new location at 1207 S. Cox Street in Asheboro, providing needed space for conferencing and filing. Web hosting for the Board's website was transferred to a new service provider who will be able to maintain the website and provide updates on a regular basis.
- K. The Board continues to meet with representatives from other regulatory professions impacted by mental health reform and the changing services definitions to unify our approach to common problems.
- L. New licensing software that will serve the needs of the Board continues to be refined and should be ready for implementation during the upcoming fiscal year.
- M. Board members attended a retreat in January 2007. Training was provided by legal counsel to familiarize Board members with the State Government in Ethics Act regulations regarding ethics and conflict of interest and lobbying. In addition, Board members were updated on information regarding administrative and ethics activities. Long range goals were reviewed and representatives from the professional associations and the Board of Social Services Directors were included in a discussion of the impact of Mental Health Reform and the new Medicaid service definitions on the Provisional LCSW licensee with regard to opportunities for supervised clinical practice. ❖

## Current Disciplinary Action

The North Carolina Social Work Certification and Licensure Board (NCSWCLB) reports all disciplinary action to the Association of Social Work Boards (ASWB) Disciplinary Action Reporting System (DARS) and to the National Practitioners Databank. The list below represents those social workers who have been disciplined by the NCSWCLB since the Board decided to publish their disciplinary actions in late 1999, and whose disciplinary action remains in effect. For information regarding disciplinary action prior to that date, or for public record information regarding any disciplinary action, please contact the Board office directly.

Individuals who have been disciplined but who complied with Board mandates and have had their credential restored to good standing will be removed from this list. The discipline action remains in their history and certification/license search will reveal that the credential has been disciplined.

Bartlett, Jody	C002309	CENSURED/PROBATION 10/06/06
Bryant, Pier A.	C003144	REPRIMAND 10/06/06
Bussey, Gina Yvette	P002013	REPRIMAND 05/05/06
Cagle, Stan C.	C000796	SUSPENDED 08/05/04
Claxton, Pamela C.	B000556	REPRIMAND 08/04/06
Clemons, Jr., Samuel D.	C000799	REVOKED 08/12/05
Cockrell, Jr., James O.	C001732	REVOKED 05/22/07
Deese, Dalton W.	P002248	REVOKED 01/06/04
DeLauney, Katz	C004169	SUSPENDED 04/13/07
Eubanks, Jane R.	C004104	REVOKED 07/16/04
Foss, Kelly Ann	C003068	SUSPENDED 01/10/03
Garis, Richard Douglas	C001939	REVOKED 03/04/05
Gould, David R.	C000416	SUSPENDED 12/12/03
Gramling, Margaret	C003298	PROBATION 10/5/07
Hager, Scott	C003706	SUSPENDED 12/12/03
Hammond, Theresa	P002936	REVOKED 07/09/07
Harper, Lisa Uranga	C004053	REVOKED 06/20/05
Harris, Jr., Aubrey Russell	C000703	SUSPENDED 12/10/04
Hiller-Tyree, Loretta	C000709	PROBATION 09/15/06
Hoffler, Jr., Thomas L.	C000519	SUSPENDED 12/10/04, REVOKED 11/03/06
Kali, Kathleen	P003074	REVOKED 12/01/06
Kasey, Yohminna K.	P003228	PROBATION 07/09/07
Knox, Walter E.	C002927	REPRIMAND 10/06/06
Koehne, Patrick	C000447	SUSPENDED 12/22/06
Konnell, Alan	C000720	CENSURED 10/22/01
Leadem, Timothy	P003216	VOLUNTARY SURRENDER 10/5/07
Lovelace, Darryl	C005014	REVOKED 09/07/07
Martin, Lea	C000119	SUSPENDED 05/25/05
Masters, Cary J.	P002928	REPRIMAND/SUSPENDED 10/06/06
McDuffie, Emily E.	A000447	REVOKED 08/04/06
Merrill, Rebecca	C002485	CENSURE 02/25/00
Merrill-May, Rebecca	C002485	CENSURE 02/25/00
Purcell, Nora	C004891	REPRIMAND/SUSPENDED 12/01/06
Rosner, Karen M.	P002275	SUSPENDED 11/14/02
Ruiz, Peter Alan	C001830	REVOKED 06/17/02
Sweeting, Lucy G.	C001530	SUSPENDED 12/12/03
(Tate) Martin, Lea Almond	C000119	SUSPENDED 05/25/05
Taylor, Wesley E.	C003643	REPRIMAND 03/02/06
VanBuskirk, Priscilla A.	P003177	REVOKED 11/02/06
Weathersby, Barbara	C000359	REPRIMAND 08/03/07
Whealton, Jr., Bruce	C002485	REVOKED 06/14/01

## PRACTICE AND SUPERVISION

- Ability to correctly diagnose mental and emotional disorders;
- Ability to formulate a treatment plan appropriate to clients' needs;
- Ability to implement interventions consistent with the treatment plan;
- Ability to be flexible in choosing and changing interventions as appropriate;
- Ability to assess prudently the supervisee's own capacities and skills in a professional situation;
- Competence in social work practice;
- Professional growth and development;
- Consistency of performance effort;
- A detailed description of any areas of concern which the supervisor perceives in the provisional licensee's performance.

A clinical case summary shall be included with each P-LCSW Six-Month Review and should demonstrate the relationship among the presenting problem, background material and formulation of case dynamics. It should include a diagnostic statement, the treatment process, and treatment outcomes. Any supervisory issues/concerns (if any) should be included as a separate attachment.

The authority of the Board is defined by Chapter 90B of the North Carolina General Statutes, the Social Worker Certification and Licensure Act. As the Board does not currently have a supervisor credential, the requirements for supervision are defined as they relate to appropriate supervision for provisional licensees. However, some best practice issues to consider when entering into a supervisory relationship include the following: establish a contract for supervisory services which clearly outlines the frequency and cost (if any) for supervision; formulate a written emergency crisis plan; and verify current licensure for both the supervisor and the supervisee. ❖

### ***Reappointments to the Board***

Congratulations to Jerry Rhodes and Patricia Heard, who were appointed to a second term of service on the North Carolina Social Work Certification and Licensure Board by Governor Michael Easley. We are very pleased to have both members return and look forward to their input as representative of the profession from both the public and private sector.

## MESSAGE FROM THE CHAIR

There were other changes needed in the Social Work Licensing Act, but these will be addressed in the Board's rulemaking responsibility. Several of the ideas we were considering actually got passed back to us to consider in rulemaking rather than through statutory changes. This particularly applies to the definition of clinical social work in the context of the State's mental health transformation and clinical social work in a community mental health model. Our workgroup spent a great deal of time looking at potential modifications to the definition of clinical social work practice and a clear definition of what constitutes clinical case management. With legislative changes made related to professional corporations, we are also aware that the Social Work Certification and Licensing Board is in need of rules to clearly define the role of the Board and the requirements associated with social workers in single or partnership professional corporations and limited liability companies.

We will be working on these issues in this next year. Check out our website and newsletters for additional information about our deliberations and particularly public hearings associated with rule development. Thanks again to all who contributed their thoughts and ideas in this effort. ❖

## Most Frequently Asked Questions

The Board Administrative Office fields a large volume of telephone calls on a daily basis to answer questions regarding certification and licensure in North Carolina. It may be a surprise to many that the Board's two Administrators answer the phones themselves rather than through a telephone reception service. As such, this allows the Administrators to become familiar with common concerns or questions addressed to the Board. In an effort to respond to those questions, we have made an attempt here to present and respond to the most frequently occurring inquiries received in the recent past:

- Q. I am a clinical social worker in a hospital setting. With the recent statute changes eliminating exemptions, am I going to have to get a license or quit my job?**
- R.** With the elimination of exemptions to licensure, all clinical social work practice requires a license issued

(Continued on back)

## FAQ — PROFESSIONAL CORPORATIONS/ASSOCIATIONS OR PLLC

An application for a certificate of registration is available for downloading from the Board's website at [www.ncswboard.org](http://www.ncswboard.org).

**Q. If more than one type of professional service is offered, must a certificate of registration be obtained for each of those professional services?**

A. Yes. If more than one type of professional services is rendered (i.e. social work, psychological, professional counseling, etc.), a certificate of registration must be obtained for each of the professional services provided by the Professional Corporation or the Professional Limited Liability Company.

**Q. What can I call my corporation/company?**

A. N.C. General Statute § 55D-20 defines the name requirements for corporations and limited liability companies, provided that professional corporations may use the words "Professional Association," "PA," "Professional Corporation," or "PC." In summary, the name of the corporation must contain one of the following options: "corporation," "incorporated," "company," or "limited," or the abbreviation *corp.*, *inc.*, or *ltd.*; and the name of the limited liability company must contain the word "Professional" or the abbreviation *P.L.L.C.* or *PLLC*.

**Q. How long is the certificate of registration effective?**

A. The certificate of registration (COR) is issued upon review and approval of the appropriate application and accompanying articles of incorporation or articles of organization and an expiration date will be provided. The COR must be renewed annually by December 31 of each year.

To renew the Certificate of Registration, licensed clinical social workers are required to complete an updated application and submit to the Board along with the current renewal fee. If the corporation or limited liability company does not apply for renewal of its certificate of registration, the certificate shall be automatically suspended. Any changes in the organization's name, officers, shareholders, agents, employees, or services provided by the corporation or limited liability company will require a renewal of the certificate of registration.

**Q. What are the fees for the corporation/organization?**

A. At the time of this publication, the initial application fee is \$15 and the annual renewal fee is \$10, although the fee rates are subject to change.

**Q. What are the limitations on formation of a professional corporation?**

A. At least one incorporator must be a licensee, as defined in N.C. General Statute § 55B-2(2). For limited liability companies, members shall be treated in the same manner as shareholders of a professional corporation [N.C. General Statute § 57C-2-01(c)]. At least one director and one officer must be a licensee, as defined in N.C. General Statute § 55B-2(2). Pursuant to N.C. General Statute § 57C-2-01(c), managers and directors of limited liability companies shall be treated in the same manner as directors of a professional corporation.

**Q. What are the limitations on ownership of capital stock?**

A. Generally, shares of capital stock may only be held by a licensee, as defined in N.C. General Statute § 55B-2(2). A "licensee" means any natural person who is duly licensed by the appropriate licensing board to render the same professional services which will be rendered by the professional corporation of which he/she is, or intends to become, an officer, director, shareholder or employee. ❖

### NCSWCLB MEETING SCHEDULE

**2007 Calendar Year**

Friday-October 5  
Friday-November 2  
Friday-December 7

**2008 Calendar Year**

Friday-January 4  
Friday-February 1  
Friday-March 7  
Friday-April 4  
Friday-May 2  
Friday-June 6

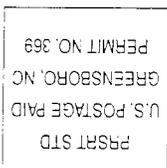
## Most Frequently Asked Questions

by this Board. In hospital settings, medical social workers are frequently required to provide services such as needs assessment, service coordination, case management, discharge planning and placement exclusively; and are not responsible for clinical assessment, diagnosis and/or treatment. In these instances, the social work practice is a valuable part of patient care but does not constitute clinical social work practice and does not require a license. However, this position should not be referred to as a clinical social work position. If your position requires that you provide clinical social work services, you must get your license to continue providing those services. Another option may be to have your job responsibilities reconfigured to drop the clinical duties.

**Q. How much time do I have to get a clinical license if I don't have one and have been doing clinical social work in an exempt facility?**

**R.** You need to meet the education requirements for a clinical social worker and you need to apply for a provisional license immediately if you intend to practice clinical social work. The licensing board will work with all due speed to expedite your application. ❖

**PLEASE ADVISE THE BOARD OFFICE OF ANY CHANGES IN NAME, ADDRESS, HOME AND WORK TELEPHONE NUMBERS AS SOON AS POSSIBLE!**



**NORTH CAROLINA SOCIAL WORK CERTIFICATION AND LICENSURE BOARD**

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