

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 712\*  
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Short Title: Practicing Pastoral Counselors.

(Public)

Sponsors: Senators Plexico, Lee, Staton; Cooper, Tally, Ward, and Warren.

Referred to: State Personnel and State Government.

April 18, 1991

A BILL TO BE ENTITLED  
AN ACT TO ESTABLISH THE FEE-BASED PRACTICING PASTORAL  
COUNSELORS CERTIFICATION ACT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 90 of the General Statutes is amended by adding a new  
Article to read:

**“ARTICLE 25.**

**“FEE-BASED PRACTICING PASTORAL COUNSELORS.**

**“§ 90-350. Title.**

This Article shall be known as the ‘Fee-Based Practicing Pastoral Counselor  
Certification Act.’

**“§ 90-351. Policy and purpose.**

Fee-based pastoral counseling and pastoral psychotherapy in this State are declared  
to be professional practices which affect the public safety and welfare and necessitate  
appropriate certification and control in the public interest.

It is the purpose of this Article to establish a certifying agency, a structure and  
procedures to insure that the public will be protected from unprofessional, improper,  
unauthorized, and unqualified use of certain titles by persons who receive fees from the  
practice of pastoral counseling and pastoral psychotherapy. This Article shall be  
construed to carry out these policies and purposes.

**“§ 90-352. Definitions.**

(a) ‘Accredited education institution’ means a college, university, or theological  
seminary chartered by the State and accredited by the appropriate regional association

1 of colleges and secondary schools or by the appropriate association of theological  
2 schools and seminaries.

3 (b) 'Board' means the North Carolina State Board of Examiners of Fee-Based  
4 Practicing Pastoral Counselors.

5 (c) 'Fee-based pastoral counseling associate' is an individual, certified under this  
6 Article, who renders, or offers professional pastoral counseling services. However, the  
7 fee-based pastoral counseling associate does not engage in counseling, psychotherapy,  
8 diagnosis, amelioration of difficulties in living, and the resolution of interpersonal  
9 conflict except under qualified supervision in accordance with the duly adopted rules  
10 and regulations of the Board.

11 (d) 'Fee-based pastoral counselor' means a minister who receives fees from the  
12 practice of pastoral counseling or pastoral psychotherapy at an advanced level which  
13 integrates religious resources with insights from the behavioral sciences.

14 (e) 'Fee-based practice of pastoral counseling' means rendering or offering, for a  
15 fee or other compensation, professional pastoral counseling services, whether within the  
16 general public or within organizations, either public or private, to individuals, singly or  
17 in groups; to couples, married or in other relationships; and to families.

18 (f) 'Fee-based professional pastoral counseling services' means the application of  
19 pastoral care and pastoral counseling principles and procedures for a fee or other  
20 compensation with the purposes of understanding, anticipating, or influencing the  
21 behavior of individuals in order to assist in their attainment of maximum personal  
22 growth; optimal work, marital, family, church, school, social, and interpersonal  
23 relationships; and healthy personal adaptation. The application of pastoral care and  
24 pastoral counseling and pastoral psychotherapy principles and procedures includes some  
25 or all of the following, but is not restricted to: sustaining, healing, shepherding,  
26 nurturing, guiding, and reconciling; interviewing, counseling, and psychotherapy;  
27 diagnosis, prevention, and amelioration of difficulties in living; and the resolution of  
28 interpersonal and social conflict. Teaching, writing, the giving of public speeches or  
29 lectures, and research concerned with pastoral care and counseling principles, are not  
30 included in professional pastoral counseling services within the meaning of this Article.

31 (g) 'Minister' means a person who has been called, elected or otherwise  
32 authorized by a church, denomination or faith group through ordination, consecration or  
33 equivalent means, to exercise, within and on behalf of the denomination or faith group,  
34 specific religious leadership and service which furthers its purpose and mission and  
35 which differs from the religious service of the laity of the denomination or faith group.

36 (h) 'Pastoral counseling' and 'pastoral psychotherapy' are herein used  
37 interchangeably to mean a process in which a pastoral counselor utilizes insights and  
38 principles derived from the disciplines of theology and the behavioral sciences to help  
39 persons achieve wholeness and health.

40 (i) 'Pastoral psychotherapy' means the use of pastoral care and pastoral  
41 counseling methods in a professional relationship to assist a person to modify feelings,  
42 attitudes, and behavior which are intellectually, socially, emotionally, or spiritually  
43 maladjustive, ineffectual or otherwise contributing to difficulties in living.

44 **"§ 90-353. Exemptions to this Article.**

1 (a) Nothing in this Article shall be construed as limiting the ministry, activities or  
2 services of a minister called, elected, or otherwise authorized by a church,  
3 denomination, or faith group to perform the ordinary duties or functions of the clergy.

4 (b) Nothing in this Article shall be construed as limiting the activities, services or  
5 use of a title to designate a training status or a student, intern, or fellow preparing for the  
6 practice of pastoral care and counseling under qualified supervision in an accredited  
7 educational institution or service facility, provided that activities and services constitute  
8 a part of the course of study.

9 (c) Nothing in this Article shall be construed to limit or restrict physicians,  
10 surgeons, optometrists, psychiatrists, or psychologists licensed to practice under the  
11 laws of North Carolina; or to restrict qualified members of other professional groups  
12 who render counseling and other helping services including counselors, social workers,  
13 and other similar professions; or to restrict qualified members of any other professional  
14 groups in the practice of their respective professions, provided they do not claim to the  
15 public by any title or description stating or implying that they are fee-based practicing  
16 pastoral counselors or fee-based pastoral counseling associates, or are certified to  
17 receive fees for the practice of pastoral counseling.

18 (d) Except as otherwise provided in this Article, if a person exempt from the  
19 provisions of this Article becomes certified under this Article, he or she shall be  
20 required to comply with all requirements imposed by Board rules and regulations or by  
21 statute upon all other pastoral counselors certified under this Article.

22 **"§ 90-354. Temporary certificates.**

23 The Board may issue a temporary pastoral counseling certificate to any person who  
24 is otherwise qualified hereunder, until the next annual examinations are given.

25 **"§ 90-355. State Board of Examiners of Fee-Based Pastoral Counselors.**

26 (a) There is hereby established the State Board of Fee-Based Practicing Pastoral  
27 Counselors which consists of seven members to be appointed in the manner provided  
28 for herein.

29 (b) Three of the members shall be appointed by the Governor, two by the  
30 Speaker of the House of Representatives and two by the President Pro Tempore of the  
31 Senate. At all times four members shall be certified fee-based practicing pastoral  
32 counselors. One member shall be a certified pastoral counseling associate and two  
33 members shall be ordained clergy who are not certified under this Article, except that  
34 the initial appointees shall be persons who meet the education and experience  
35 requirements for certification under this Article and shall be deemed certified upon  
36 appointment. In making appointments, consideration shall be given to the adequate  
37 representation of the various fields and areas of the practice of pastoral counseling.

38 (c) Of the first Board members appointed, three, including one certified fee-  
39 based practicing pastoral counselor, one certified fee-based pastoral counseling  
40 associate and one ordained clergy who is not certified under this Article, shall continue  
41 in office for two years; two, including one certified fee-based practicing pastoral  
42 counselor and one ordained clergy who is not certified under this Article, shall continue  
43 in office for three years; and two, including two certified fee-based practicing pastoral  
44 counselors (one of whom shall be the chairperson), shall continue in office for four

1 years. Their successors shall be appointed for terms of four years each, except that any  
2 person chosen to fill a vacancy shall be appointed only for the unexpired term of the  
3 Board member creating the vacancy. Upon the expiration of his term of office, a Board  
4 member shall continue to serve until his successor is appointed and qualified. No  
5 person may be appointed more than once to fill an unexpired term or to more than two  
6 consecutive full terms. The Governor shall designate one Board member who is a  
7 certified fee-based practicing pastoral counselor to serve as chairperson during the term  
8 of his appointment to the Board. No person may serve as chairperson for more than  
9 four years.

10 (d) The Governor may remove any member of the Board for neglect of duty or  
11 malfeasance or conviction of a felony or crime of moral turpitude while in office but for  
12 no other reason.

13 (e) Five of the members of the Board constitute a quorum of the Board. The  
14 principal office of the Board shall be at such location in the State as the Board shall  
15 specify.

16 (f) The Board shall meet annually, at a time set by the Board, and it may hold  
17 additional meetings and conduct any proceeding or investigation necessary to its  
18 purposes and may empower its agents or counsel to conduct any investigation necessary  
19 to its purposes. The Board may order that any records concerning the provision of  
20 pastoral counseling services relevant to a complaint received by the Board or any  
21 inquiry or investigation conducted by or on behalf of the Board be produced for  
22 inspection and copying by representatives of the Board. The Board shall adopt an  
23 official seal, which shall be affixed to all certificates issued by the Board. The Board  
24 shall make such rules and regulations not inconsistent with law, as may be necessary to  
25 regulate its proceedings and otherwise to implement the provisions of this Article.

26 (g) Board members shall receive no compensation for their services, but may  
27 receive their necessary expenses incurred in the performance of duties required by this  
28 Article, get citation as prescribed for State boards generally, from funds generated from  
29 examination fees or from contributions made to the Board. The Board may employ  
30 necessary personnel for the performance of its functions, and fix the compensation  
31 therefor, within the limits of funds available to the Board. In no event shall the State be  
32 liable for expenses incurred by the Board in excess of the income derived from this  
33 Article.

34 **"§ 90-356. Annual report.**

35 Within 90 days of the end of each fiscal year, beginning with fiscal year 1992, the  
36 Board shall submit a report to the Governor of the Board's activities since the preceding  
37 July 1, including the names of all fee-based practicing pastoral counselors and fee-based  
38 pastoral counseling associates to whom certificates have been granted under this Article.

39 **"§ 90-357. Certification and examination.**

40 (a) Fee-based practicing pastoral counselor. The Board shall issue a certificate to  
41 practice pastoral counseling to any applicant who pays an application fee of one  
42 hundred dollars (\$100.00) and an additional examination fee set by the Board of not  
43 more than four hundred dollars (\$400.00), who passes a Board examination in pastoral

1 counseling, and who submits evidence verified by oath and satisfactory to the Board  
2 that the applicant:

- 3 (1) Is at least 21 years of age;
- 4 (2) Is of good moral character;
- 5 (3) Has received a masters of divinity or higher degree, or its equivalent,  
6 from an accredited educational institution;
- 7 (4) Has received a masters or doctoral degree in pastoral counseling, or its  
8 equivalent, based on a planned and directed program of studies in  
9 pastoral counseling from an accredited educational institution; has  
10 completed satisfactorily one unit of full-time clinical pastoral  
11 education in a program accredited by the Association of Clinical  
12 Pastoral Education, or its equivalent; and has completed at least 1375  
13 hours of pastoral counseling while receiving a minimum of 250 hours  
14 of supervision of these hours of pastoral counseling (the Board shall  
15 adopt rules and regulations implementing and defining these  
16 provisions);
- 17 (5) Is a member of a recognized denomination or faith group which  
18 recognizes the applicant's status as a rabbi, priest, minister, or religious  
19 leader, as defined in Federal Tax Regulations, paragraph (g)(5)(1) of  
20 26 C.F.R. 1.6033-2 (1982);
- 21 (6) Has evidence, furnished to the Board at the time of application, of  
22 completion of three years of full-time work as a rabbi, priest, minister,  
23 or religious leader, or its equivalent;
- 24 (7) Has evidence, furnished to the Board at the time of application and  
25 annually thereafter, of ordination, or its equivalent (as determined by  
26 the person's denomination or faith group), and with endorsement to  
27 function as a pastoral counselor; and
- 28 (8) Has not within the preceding six months failed an examination given  
29 by the Board.

30 (b) Fee-based pastoral counseling associate. The Board shall issue a certificate to  
31 practice pastoral counseling under approved supervision to any applicant who pays an  
32 application fee of not more than four hundred dollars (\$400.00), who passes a  
33 satisfactory examination in pastoral counseling, and who submits evidence verified by  
34 oath and satisfactory to the Board that the applicant:

- 35 (1) Has complied with the provisions of G.S. 90-  
36 357(a)(1),(2),(3),(5),(6),(7), and (8) of this Article; and
- 37 (2) Has satisfactorily completed one unit of full-time clinical pastoral  
38 education in a program accredited by the American Association for  
39 Clinical Education, or its equivalent; and has completed at least 375  
40 hours of pastoral counseling while receiving a minimum of 125 hours  
41 of supervision of these hours of pastoral counseling (the Board shall  
42 adopt rules and regulations implementing and defining these  
43 provisions).

1 (c) The Board may impose continuing education requirements for renewals of the  
2 pastoral counseling associate certificate.

3 (d) A pastoral counseling associate may be upgraded to a practicing pastoral  
4 counselor, if the applicant complies with the requirements set forth in subsection (a) of  
5 this section and pays an examination fee of not more than four hundred dollars  
6 (\$400.00).

7 (e) Examinations. The examinations required by subsections (a) and (b) of this  
8 section shall be in a form and content prescribed by the Board, and shall be oral and  
9 written. The examinations shall be administered annually, or more frequently as the  
10 Board may prescribe, at a time and place to be determined by the Board.

11 **"§ 90-358. Equivalent certification and memberships recognized.**

12 (a) The Board may grant a certificate as a fee-based practicing pastoral counselor  
13 to any person meeting the requirements of G.S. 90-357(a) who at the time of application  
14 is certified as a pastoral counselor by a board of another state, whose standards, in the  
15 opinion of the Board, are not lower than those required by this Article. The provisions  
16 of this section apply only when such states grant similar privilege to residents of this  
17 State. To determine a candidate's qualifications, the Board may require a personal  
18 interview, in addition to any documentation necessary for the determination.

19 (b) The Board may grant a certificate as a practicing pastoral counselor to any  
20 person meeting the requirements of G.S.90-357(a), or who has been certified as a  
21 Fellow or Diplomat by the American Association of Pastoral Counselors, if application  
22 is made by December 31, 1991. To determine a candidate's qualification, the Board  
23 may require a personal interview, in addition to any documentation necessary for the  
24 determination.

25 (c) The Board may grant a certificate as a fee-based pastoral counseling associate  
26 to any person meeting the requirements of G.S. 90-357(b), or who has been certified as  
27 a Member by the American Association of Pastoral Counselors, if application is made  
28 by December 31, 1991. To determine a candidate's qualifications, the Board may  
29 require a personal interview, in addition to any documentation necessary for the  
30 determination.

31 **"§ 90-359. Renewal of certificate.**

32 A certificate issued under this Article must be renewed annually on or before the  
33 first day of January. Each application for renewal must be accompanied by a renewal  
34 fee set by the Board of not more than one hundred dollars (\$100.00). If a certificate is  
35 not renewed on or before the first day of January of each year, an additional fee of not  
36 more than twenty-five dollars (\$25.00) shall be charged for late renewal. The Board  
37 may establish requirements for continuing education for pastoral counselors certified  
38 and registered in this State as an additional condition for renewal.

39 **"§ 90-360. Refusal, suspension, or revocation of certificates.**

40 (a) A certificate applied for or issued under this Article may be refused,  
41 suspended, revoked, or otherwise limited, as provided in subsection (e) below, by the  
42 Board upon proof that the applicant or person to whom a certificate was issued:

- 43 (1) Has been convicted of a felony;

- 1           (2) Has been convicted of a misdemeanor involving moral turpitude or  
2 misrepresentation or fraud in dealing with the public or otherwise  
3 relevant to fitness to practice fee-based pastoral counseling;
- 4           (3) Has engaged in fraud or deceit in securing or attempting to secure a  
5 certificate or the renewal thereof or has willfully concealed from the  
6 Board material information in connection with application for or  
7 renewal of a certificate under this Article;
- 8           (4) Is a habitual drunkard or is addicted to deleterious habit-forming  
9 drugs;
- 10          (5) Has made fraudulent or misleading statements pertaining to his  
11 education, licensure, professional credentials, or related to his  
12 qualification or fitness for the practice of pastoral counseling;
- 13          (6) Has had a license for the practice of pastoral counseling in any other  
14 state, or any other country, suspended or revoked;
- 15          (7) Has been guilty of unprofessional conduct as defined by the then-  
16 current code of ethics published by the American Association of  
17 Pastoral Counselors; or
- 18          (8) Has violated any provision of this Article or of the duly adopted rules  
19 and regulations of the Board.
- 20          (b) A certificate issued under this Article shall be automatically suspended by the  
21 Board after failure to renew a certificate for a period of more than three months after the  
22 annual renewal date.
- 23          (c) Except as otherwise provided herein, the procedure for revocation,  
24 suspension, refusal, or other limitations of the license shall be in accordance with the  
25 provisions of Chapter 150B of the General Statutes. In any proceeding before the  
26 Board, in any record of any hearing before the Board, in any complaint or notice of  
27 charges against any certificatee or applicant for certification, and in any decision  
28 rendered by the Board, the Board shall endeavor to withhold from public disclosure the  
29 identity of any counsees or clients who have not consented to the public disclosure of  
30 treatment by the certificatee or pastoral counselor. The Board may close a hearing to  
31 the public and receive in executive session evidence concerning the treatment or  
32 delivery of pastoral counseling services to a counsee or a client who has not consented  
33 to public disclosure of such treatment or services as may be necessary for the protection  
34 and rights of such counsee or client of the accused pastoral counselor and the full  
35 presentation of relevant evidence. All records, papers, and documents containing  
36 information collected and compiled by or on behalf of the Board, as a result of  
37 investigations, inquiries, or interviews conducted in connection with certification or  
38 disciplinary matters are not public records within the meaning of Chapter 132 of the  
39 General Statutes; provided however, that any notice or statement of charges against any  
40 certificatee or applicant, or any notice to any certificatee or applicant of a hearing in any  
41 proceeding, or any decision rendered in connection with a hearing in any proceeding, is  
42 a public record within the meaning of Chapter 132 of the General Statutes,  
43 notwithstanding that it may contain information collected and compiled as a result of  
44 such investigation, inquiry, or hearing, except that identifying information concerning

1 the treatment or delivery of services to a counselee or client who has not consented to  
2 the public disclosure of such treatment or services may be deleted. If any such record,  
3 paper, or other document containing information theretofore collected and compiled by  
4 or on behalf of the Board, as hereinbefore provided, is received and admitted in  
5 evidence in any hearing before the Board, it shall thereupon be a public record within  
6 the meaning of Chapter 132 of the General Statutes, subject to any deletions of  
7 identifying information concerning the treatment or delivery of pastoral counseling  
8 services to a counselee or client who has not consented to public disclosure of such  
9 treatment or services.

10 (d) The Board may reinstate a suspended certificate upon payment by an  
11 applicant of a special fee of twenty dollars (\$20.00), and may require that the applicant  
12 file a new application, or submit to reexamination for reinstatement, and pay such other  
13 statutorily authorized fees as required by the Board.

14 (e) Upon proof that an applicant or certified pastoral counselor has engaged in  
15 any of the prohibited actions specified in subsection (a) above, the Board may, in lieu of  
16 refusal, suspension, or revocation, issue a formal reprimand or formally censure the  
17 applicant or certified fee-based pastoral counselor, or may place the applicant or  
18 certified fee-based pastoral counselor on probation with such appropriate conditions as  
19 the Board may deem advisable, or may limit or circumscribe the professional pastoral  
20 counseling services provided by the applicant or certified fee-based pastoral counselor  
21 as the Board deems advisable. The Board may impose condition of probation or  
22 restrictions on continued practice at the conclusion of a period of suspension or as  
23 requirements for the restoration of a revoked or suspended certificate. In lieu of or in  
24 connection with any disciplinary proceedings or investigation, the Board may enter into  
25 a consent order relating to the discipline, censure, proceeding costs, probation, or  
26 limitations of a certified pastoral counselor or applicant for a certificate.

27 **"§ 90-361. Prohibited acts.**

28 (a) After ratification of this act, no person shall represent himself to be a certified  
29 fee-based practicing pastoral counselor, or pastoral counseling associate, or engage in,  
30 or offer to engage in, the practice of certified fee-based pastoral counseling without a  
31 valid certification issued under this Article.

32 (b) After ratification of this act, no person who is not certified under this Article  
33 shall represent himself to be a certified fee-based practicing pastoral counselor or fee-  
34 based pastoral counseling associate; nor shall he use a title or description, including the  
35 term 'pastoral counselor,' or any of its derivatives, in such a manner which would imply  
36 that he is certified under this Article. The use by a person who is not certified under this  
37 Article of such terms, whether in titles or description or otherwise, is not prohibited by  
38 this Article except when used in connection with the practice of fee-based pastoral  
39 counseling as defined in this Article; such use of these terms by a person not certified  
40 under this Article shall not be construed as implying that a person is certified under this  
41 Article or as practicing or offering to practice fee-based pastoral counseling.

42 **"§ 90-362. Disposition of fees.**



1        The fees derived from the operation of this Article shall be used by the Board in  
2 carrying out its functions. The financial records of the Board shall be subject to an  
3 annual audit.

4        **"§ 90-363. Injunction for violations.**

5        The Board may apply to the superior court for an injunction to prevent violations of  
6 this Article or of any rules enacted pursuant thereto and the court is empowered to grant  
7 such injunctions.

8        **"§ 90-364. Duplicate and replacement certificates.**

9        A certified fee-based pastoral counselor may request the Board to issue a duplicate  
10 or replacement certificate for a fee set by the Board not to exceed fifty dollars (\$50.00).  
11 Upon receipt of the request and a showing of good cause for the issuance of a duplicate  
12 replacement certificate, and payment of the fee, the Board shall issue a duplicate or  
13 replacement certificate."

14                Sec. 2. This act is effective upon ratification.