

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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**HOUSE BILL 35
Committee Substitute Favorable 4/12/05**

Short Title: ADET School/Fee/Qualis. Increase.

(Public)

Sponsors:

Referred to:

February 2, 2005

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE FEE PAID BY DWI OFFENDERS FOR ATTENDING
2 AN ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOL, TO INCREASE
3 THE AMOUNT REMITTED FROM THE FEE BY AN AREA FACILITY TO
4 THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO INCREASE
5 THE QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO
6 PROVIDE ADET SCHOOL INSTRUCTION, TO DIRECT THE COMMISSION
7 ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND
8 SUBSTANCE ABUSE SERVICES TO MODIFY THE RULES REGARDING THE
9 NUMBER OF INSTRUCTIONAL HOURS AND MAXIMUM ADET SCHOOL
10 CLASS SIZE, AND TO REQUIRE THE DEPARTMENT TO ESTABLISH AN
11 OUTCOMES EVALUATION STUDY ON THE EFFECTIVENESS OF
12 SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT
13 LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH,
14 DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

15 The General Assembly of North Carolina enacts:

16 **SECTION 1.** G.S. 122C-142.1(f) reads as rewritten:

17 "(f) Fees. – A person who has a substance abuse assessment conducted for the
18 purpose of obtaining a certificate of completion shall pay to the assessing agency a fee
19 of one hundred dollars (\$100). A person shall pay to a ~~treatment facility or~~ school a fee
20 of ~~seventy-five dollars (\$75.00)~~ one hundred sixty dollars (\$160.00). A person shall pay
21 to a treatment facility a fee of seventy-five dollars (\$75.00). If the defendant is treated
22 by an area mental health facility, G.S. 122C-146 applies after receipt of the seventy-five
23 dollar (\$75.00) fee.
24

25 A facility that provides to a person who is required to obtain a certificate of
26 completion a substance abuse assessment, an ADET school, or a substance abuse
27 treatment program may require the person to pay a fee required by this subsection
28 before it issues a certificate of completion. As stated in G.S. 122C-146, however, an
29 area facility may not deny a service to a person because the person is unable to pay.

1 An ~~area~~A facility shall remit to the Department ~~five percent (5%)~~ ten percent (10%)
2 of each fee paid to the ~~area~~-facility under this subsection by a person who attends an
3 ADET school conducted by the ~~area~~-facility. The Department may use amounts remitted
4 to it under this subsection only to support, evaluate, and administer ADET schools."

5 **SECTION 2.** G.S. 122C-142.1 is amended by adding a new subsection to
6 read:

7 "(d1) Persons Authorized to Provide Instruction. – Beginning January 1, 2009,
8 individuals who provide ADET school instruction as a Department-authorized ADETS
9 instructor must have at least one of the following qualifications:

10 (1) Certified Substance Abuse Counselor (CSAC), as defined by the
11 Commission.

12 (2) Certified Clinical Addiction Specialist (CCAS), as defined by the
13 Commission.

14 (3) Certified Substance Abuse Prevention Consultant (CSAPC), as defined
15 by the Commission."

16 **SECTION 3.** The Commission on Mental Health, Developmental
17 Disabilities, and Substance Abuse Services shall revise its rules regarding the number of
18 instructional program hours and the class size for ADET schools. The minimum
19 program hours of instruction shall not be less than 16 hours. The maximum class size
20 shall not be more than 20 participants.

21 **SECTION 4.** G.S. 122C-142.1 is amended by adding a new subsection to
22 read:

23 "(j) The Department shall establish an outcomes evaluation study on the
24 effectiveness of substance abuse services provided to persons who obtain a certificate of
25 completion under G.S. 20-17.6 as a condition for restoration of a drivers license. The
26 findings of the study shall be reported every two years to the Joint Legislative
27 Commission on Governmental Operations. The Department shall submit an initial
28 report on the findings of the study to the Commission no later than December 31, 2007,
29 and shall submit a report to the Commission every two years following that date."

30 **SECTION 5.** Section 1 becomes effective when the rules adopted under
31 Section 3 of this act become effective and shall apply to fees charged for ADET school
32 instruction that commences on or after that date. The remainder of this act is effective
33 when it becomes law.