

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 934
House Committee Substitute Favorable 6/18/03

Short Title: DWI Provider Authorization Fees.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH A REGISTRATION FEE FOR THE AUTHORIZATION
2 OF A PRIVATE FACILITY TO SERVE DWI OFFENDERS AND TO INCREASE
3 THE FEE FOR A SUBSTANCE ABUSE ASSESSMENT CONDUCTED BY AN
4 ASSESSING AGENCY.
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6 The General Assembly of North Carolina enacts:

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

8 "(a) Services. – An area authority shall provide, directly or by contract, the
9 substance abuse services needed by a person to obtain a certificate of completion
10 required under G.S. 20-17.6 as a condition for the restoration of a drivers license. A
11 person may obtain the required services from an area facility, from a private facility ~~that~~
12 ~~has complied with this subsection, authorized by the Department to provide this service,~~
13 or, with the approval of the Department, from an agency that is located in another state.
14 ~~Before a private facility located in this State provides the substance abuse services~~
15 ~~needed by a person to obtain a certificate of completion, the facility shall notify both the~~
16 ~~designated area facility for the catchment area in which it is located and the Department~~
17 ~~of its intent to provide the services and shall agree to comply with the laws and rules~~
18 ~~concerning these services that apply to area facilities."~~

19 **SECTION 2.** G.S. 122C-142.1(f) reads as rewritten:

20 "(f) Fees. – A person who has a substance abuse assessment conducted for the
21 purpose of obtaining a certificate of completion shall pay to the assessing agency a fee
22 of ~~fifty dollars (\$50.00);~~ seventy-five dollars (\$75.00). A person shall pay to a treatment
23 facility or school a fee of seventy-five dollars (\$75.00). If the defendant is treated by an
24 area mental health facility, G.S. 122C-146 applies after receipt of the seventy-five dollar
25 (\$75.00) fee.

26 A facility that provides to a person who is required to obtain a certificate of
27 completion a substance abuse assessment, an ADET school, or a substance abuse
28 treatment program may require the person to pay a fee required by this subsection

1 before it issues a certificate of completion. As stated in G.S. 122C-146, however, an
 2 area facility may not deny a service to a person because the person is unable to pay.

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

7 **SECTION 3.** G.S. 122C-142.1 is amended by adding a new subsection to
 8 read:

9 "(a1) Authorization of a Private Facility Provider. – The Department shall
 10 authorize a private facility located in this State to provide substance abuse services
 11 needed by a person to obtain a certificate of completion if the private facility complies
 12 with all of the requirements of this subsection:

13 (1) Notifies both the designated area facility for the catchment area in
 14 which it is located and the Department of its intent to provide the
 15 services.

16 (2) Agrees to comply with the laws and rules concerning these services
 17 that apply to area facilities.

18 (3) Pays the Department the applicable fee for authorizing and monitoring
 19 the services of the facility. The initial fee is payable at the time the
 20 facility notifies the Department of its intent to provide the services and
 21 by July 1 of each year thereafter. Collected fees shall be used by the
 22 Division for program monitoring and quality assurance. The applicable
 23 fee is based upon the number of assessments completed during the
 24 prior fiscal year as set forth below:

<u>Number of Assessments</u>	<u>Fee Amount</u>
<u>0-24</u>	<u>\$250.00</u>
<u>25-99</u>	<u>\$500.00</u>
<u>100 or more</u>	<u>\$750.00."</u>

29 **SECTION 4.** This act becomes effective July 1, 2003. Section 2 of this act
 30 applies to assessing agencies conducting substance abuse assessments on or after that
 31 date. Section 3 of this act applies to private facilities providing substance abuse services
 32 on or after that date.