

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1356

Short Title: Increase Fees/Qualifs. for DWI Assessments. (Public)

Sponsors: Representatives Alexander, Sauls, Insko (Primary Sponsors); Glazier and Rapp.

Referred to: Rules, Calendar, and Operations of the House.

May 11, 2004

A BILL TO BE ENTITLED

1 AN ACT TO ENACT THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE
2 OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL
3 DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO INCREASE THE
4 QUALIFICATIONS OF PERSONS WHO WILL BE ELIGIBLE TO
5 ADMINISTER SUBSTANCE ABUSE ASSESSMENTS, TO INCREASE THE
6 FEE PAID BY DWI OFFENDERS FOR SUBSTANCE ABUSE ASSESSMENTS,
7 TO STUDY THE MINIMUM QUALIFICATIONS OF INDIVIDUALS
8 CONDUCTING ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS,
9 AND TO STUDY THE FEE PAID BY DWI OFFENDERS FOR EDUCATION OR
10 TREATMENT SERVICES.
11

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 122C-142.1 is amended by adding a new subsection to
14 read:

15 "(b1) Persons Authorized to Conduct Assessments. – The following individuals are
16 authorized to conduct a substance abuse assessment under subsection (b) of this section:

- 17 (1) A Certified Substance Abuse Counselor (CSAC), as defined by the
18 Commission.
- 19 (2) A Certified Clinical Addiction Specialist (CCAS), as defined by the
20 Commission.
- 21 (3) A Substance Abuse Counselor Intern who is supervised by a Certified
22 Clinical Supervisor (CCS), as defined by the Commission, and who
23 meets the minimum qualifications established by the Commission for
24 individuals performing substance abuse assessments.
- 25 (4) A person licensed by the North Carolina Medical Board or the North
26 Carolina Psychology Board.
- 27 (5) A physician certified by the American Society of Addiction Medicine
28 (ASAM)."

1 **SECTION 2.** G.S. 122C-142.1(b1), as enacted in Section 1 of this act, reads
2 as rewritten:

3 "(b1) Persons Authorized to Conduct Assessments. – The following individuals are
4 authorized to conduct a substance abuse assessment under subsection (b) of this section:

- 5 (1) A Certified Substance Abuse Counselor (CSAC), as defined by the
6 Commission.
7 (2) A Certified Clinical Addiction Specialist (CCAS), as defined by the
8 Commission.
9 ~~(3) A Substance Abuse Counselor Intern who is supervised by a Certified~~
10 ~~Clinical Supervisor (CCS), as defined by the Commission, and who~~
11 ~~meets the minimum qualifications established by the Commission for~~
12 ~~individuals performing substance abuse assessments.~~
13 (4) A person licensed by the North Carolina Medical Board or the North
14 Carolina Psychology Board.
15 (5) A physician certified by the American Society of Addiction Medicine
16 (ASAM)."

17 **SECTION 3.** G.S. 122C-142.1(f) reads as rewritten:

18 "(f) Fees. – A person who has a substance abuse assessment conducted for the
19 purpose of obtaining a certificate of completion shall pay to the assessing agency a fee
20 ~~of fifty dollars (\$50.00).~~ one hundred dollars (\$100). A person shall pay to a treatment
21 facility or school a fee of seventy-five dollars (\$75.00). If the defendant is treated by an
22 area mental health facility, G.S. 122C-146 applies after receipt of the seventy-five dollar
23 (\$75.00) fee.

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

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

33 **SECTION 4.** Section 2 of S.L. 2003-396 reads as rewritten:

34 **"SECTION 2.** The Joint Legislative Oversight Committee on Mental Health,
35 Developmental Disabilities, and Substance Abuse Services shall study the programs
36 offered by assessing agencies to clients who must obtain a substance abuse assessment
37 and a certification of completion of a substance abuse program. The study should
38 include information on the type of testing provided by an agency, the certification
39 requirements for persons conducting alcohol and drug education traffic schools, the
40 treatment offered by an agency, the average duration of a program, the average cost of
41 treatment, the rates of recidivism, and the adequacy of the fee paid to the assessing
42 agency by a client for a required substance abuse assessment, assessment and the
43 adequacy of the fee paid to the treatment facility or school by a client for receiving

1 treatment or education. The Committee must report its findings and any recommended
2 legislation to the ~~2004 Regular Session of the 2003-2005~~ General Assembly."

3 **SECTION 5.** Section 1 of this act becomes effective October 1, 2005, and
4 applies to substance abuse assessments conducted on or after that date. Section 2
5 becomes effective October 1, 2008, and applies to substance abuse assessments
6 conducted on or after that date. Section 3 becomes effective October 1, 2004, and
7 applies to substance abuse assessments administered on or after that date. The
8 remainder of this act is effective when it becomes law.