

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE DRH30466-RCz-16 (4/22)

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

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

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

- (1) A Certified Substance Abuse Counselor (CSAC), as defined by the Commission.
- (2) A Certified Clinical Addiction Specialist (CCAS), as defined by the Commission.
- (3) A Substance Abuse Counselor Intern who is supervised by a Certified Clinical Supervisor (CCS), as defined by the Commission, and who meets the minimum qualifications established by the Commission for individuals performing substance abuse assessments.
- (4) A person licensed by the North Carolina Medical Board or the North Carolina Psychology Board.

1 (5) A physician certified by the American Society of Addiction Medicine
2 (ASAM)."

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

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

7 (1) A Certified Substance Abuse Counselor (CSAC), as defined by the
8 Commission.

9 (2) A Certified Clinical Addiction Specialist (CCAS), as defined by the
10 Commission.

11 ~~(3) A Substance Abuse Counselor Intern who is supervised by a Certified~~
12 ~~Clinical Supervisor (CCS), as defined by the Commission, and who~~
13 ~~meets the minimum qualifications established by the Commission for~~
14 ~~individuals performing substance abuse assessments.~~

15 (4) A person licensed by the North Carolina Medical Board or the North
16 Carolina Psychology Board.

17 (5) A physician certified by the American Society of Addiction Medicine
18 (ASAM)."

19 **SECTION 3.** 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)~~ one hundred dollars (\$100). 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
29 before it issues a certificate of completion. As stated in G.S. 122C-146, however, an
30 area facility may not deny a service to a person because the person is unable to pay.

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

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

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

1 adequacy of the fee paid to the treatment facility or school by a client for receiving
2 treatment or education. The Committee must report its findings and any recommended
3 legislation to the ~~2004 Regular Session of the 2003-2005~~ 2005 General Assembly."

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