

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 815
Senate Appropriations/Base Budget Committee Substitute Adopted 7/17/03

Short Title: Detox Facilities Not Subject to CON.

(Public)

Sponsors:

Referred to:

April 1, 2003

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE DEFINITION OF CHEMICAL DEPENDENCY
2 TREATMENT FACILITY TO PROVIDE THAT SOCIAL SETTING
3 DETOXIFICATION FACILITIES AND MEDICAL DETOXIFICATION
4 FACILITIES ARE NOT CHEMICAL DEPENDENCY TREATMENT
5 FACILITIES FOR THE PURPOSES OF CERTIFICATE OF NEED
6 REQUIREMENTS AND TO AMEND THE DEFINITION OF CHEMICAL
7 DEPENDENCY TREATMENT BED TO PROVIDE THAT BEDS LICENSED
8 FOR DETOXIFICATION ARE NOT CHEMICAL DEPENDENCY TREATMENT
9 BEDS FOR THE PURPOSES OF CERTIFICATE OF NEED REQUIREMENTS;
10 AND TO PROVIDE THAT SOCIAL SETTING DETOXIFICATION FACILITIES
11 AND MEDICAL DETOXIFICATION FACILITIES SHALL NOT DENY
12 ADMISSION OR TREATMENT TO AN INDIVIDUAL ON THE BASIS OF
13 THE INDIVIDUAL'S INABILITY TO PAY.

14 The General Assembly of North Carolina enacts:

15 **SECTION 1.** G.S. 131E-176(5a) reads as rewritten:

16 "(5a) "Chemical dependency treatment facility" means a public or private
17 facility, or unit in a facility, which is engaged in providing 24-hour a
18 day treatment for chemical dependency or substance abuse. This
19 treatment may include detoxification, administration of a therapeutic
20 regimen for the treatment of chemically dependent or substance
21 abusing persons and related services. The facility or unit may be:

- 22 a. A unit within a general hospital or an attached or freestanding
23 unit of a general hospital licensed under Article 5, Chapter
24 131E, of the General Statutes,
25 b. A unit within a psychiatric hospital or an attached or
26 freestanding unit of a psychiatric hospital licensed under Article
27 1A of General Statutes Chapter 122 or Article 2 of General
28 Statutes Chapter 122C,
29

- 1 c. A freestanding facility specializing in treatment of persons who
2 are substance abusers or chemically dependent licensed under
3 Article 1A of General Statutes Chapter 122 or Article 2 of
4 General Statutes Chapter 122C; and may be identified as
5 "chemical dependency, substance abuse, alcoholism, or drug
6 abuse treatment units," "residential chemical dependency,
7 substance abuse, alcoholism or drug abuse facilities," "~~social
8 setting detoxification facilities~~" and "~~medical detoxification
9 facilities~~,"—or by other names if the purpose is to provide
10 treatment of chemically dependent or substance abusing
11 persons, but shall not include social setting detoxification
12 facilities, medical detoxification facilities, halfway houses or
13 recovery farms."

14 **SECTION 2.** G.S. 131E-176(5b) reads as rewritten:

15 "(5b) "Chemical dependency treatment beds" means beds that are licensed
16 ~~for detoxification or~~ for the inpatient treatment of chemical
17 dependency. Residential treatment beds for the treatment of chemical
18 dependency or substance abuse are chemical dependency treatment
19 beds. Chemical dependency treatment beds shall not include beds
20 licensed for detoxification."

21 **SECTION 3.** G.S. 122C-23 is amended by adding the following new
22 subsection to read:

23 "**§ 122C-23. Licensure.**

24 ...

25 (h) A social setting detoxification facility or medical detoxification facility
26 subject to licensure under this Chapter shall not deny admission or treatment to an
27 individual based solely on the individual's inability to pay."

28 **SECTION 4.** This act is effective when it becomes law. Section 3 of this act
29 applies to social setting detoxification facilities and medical detoxification facilities
30 licensed on and after the effective date of this act.