

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1006

Short Title: DWI Assessments.

(Public)

Sponsors: Senator Hoyle.

Referred to: Finance.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE FEES TO BE CHARGED TO PERSONS
UNDERGOING SUBSTANCE ABUSE ASSESSMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122C-142.1(f) reads as rewritten:

"(f) Fees. – A person who has a substance abuse assessment conducted for the purpose of obtaining a certificate of completion shall pay to the assessing agency a fee of fifty dollars (\$50.00)-one hundred dollars (\$100.00). Of this fee, the assessing agency shall retain ninety dollars (\$90.00) to cover the costs of the standardized substance abuse assessment, the clinical interview, and costs incurred in the transfer of any client to a licensed facility located within or outside the State. The assessing agency shall forward ten dollars (\$10.00) of each assessment fee, via agency check, to the Substance Abuse Services Section (SAS), Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Health and Human Services, by the tenth of each month for the prior month's assessments. The portion paid to the SAS Section shall be used to:

- (1) Develop a system to track offender compliance with the substance abuse assessment and education or treatment required for all persons convicted of a violation of G.S. 20-138.1 (DWI), G.S. 20-138.2 (Commercial

1 DWI), or G.S. 20-138.3 (driving while less than 21 years old after
2 consuming alcohol or drugs), and

- 3 (2) Establish a system by which licensed substance abuse facilities may be
4 examined and granted the privilege to provide services to the offenders
5 listed in subdivision (1) of this subsection.

6 Fees received by the SAS Section shall also be used to ensure that services being offered
7 and delivered to the offenders listed in subdivision (1) of this subsection are in full
8 compliance with applicable State law. A person shall pay to a treatment facility or school
9 a fee of seventy-five dollars (\$75.00). If the defendant is treated by an area mental health
10 facility, G.S. 122C-146 applies after receipt of the seventy-five dollar (\$75.00) fee.

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

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

20 Section 2. G.S. 122C-142.1(i) reads as rewritten:

21 "(i) Report. – The Department shall submit an annual report on substance abuse
22 assessments to the Joint Legislative Commission on Governmental Operations. The
23 report is due by February 1. Each facility that provides services needed by a person to
24 obtain a certificate of completion shall file an annual report with the Department by
25 ~~October 1~~ August 15 that contains the information for the preceding fiscal year which the
26 Department needs in order to compile the report ~~its report. the Department is required to~~
27 ~~submit under this section.~~

28 The report submitted to the Joint Legislative Commission on Governmental
29 Operations shall include all of the following information and any other information
30 requested by that Commission:

- 31 (1) The number of persons required to obtain a certificate of completion
32 during the previous fiscal year as a condition of restoring the person's
33 drivers license under G.S. 20-17.6.
- 34 (2) The number of substance abuse assessments conducted during the
35 previous fiscal year for the purpose of obtaining a certificate of
36 completion.
- 37 (3) Of the number of assessments reported under subdivision (2) of this
38 subsection, the number recommending attendance at an ADET school,
39 the number recommending treatment, and, for those recommending
40 treatment, the level of treatment recommended.
- 41 (4) Of the number of persons recommended for an ADET school or
42 treatment under subdivision (3) of this subsection, the number who
43 completed the school or treatment.

- 1 (5) The number of substance abuse assessments conducted by each facility
2 and, of these assessments, the number that recommended attendance at
3 an ADET school and the number that recommended treatment.
- 4 (6) The fees paid to a facility for providing services for persons to obtain a
5 certificate of completion and the facility's costs in providing those
6 services.
- 7 (7) The progress on the efforts funded by the portion of each assessment fee
8 sent to the Substance Abuse Services Section pursuant to subsection (f)
9 of this section."
- 10 Section 3. This act is effective when it becomes law.