GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

SENATE DRS15023-LN-17 (2/5)

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(Public)

Short Title: Exemption From MH Facility Licensing.

Sponsors:Senator Horton.Referred to:

1		A BILL TO BE ENTITLED	
2	AN ACT TO EXEMPT FAITH-BASED SUBSTANCE ABUSE ORGANIZATIONS		
3	FROM MENTAL HEALTH FACILITY LICENSURE REQUIREMENTS.		
4	The General Assembly of North Carolina enacts:		
5	SECTION 1. G.S. 122C-22 reads as rewritten:		
6	"§ 122C-22. Exclusions from licensure; deemed status.		
7	(a) The following are excluded from the provisions of this Article and are not		
8	required to obtain licensure under this Article:		
9	. (1)	Physicians and psychologists engaged in private office practice;	
10	(2)	General hospitals licensed under Article 5 of Chapter 131E of the	
11		General Statutes, that operate special units for the mentally ill,	
12		developmentally disabled, or substance abusers;	
13	(3)	State and federally operated facilities;	
14	(4)	Adult care homes licensed under Chapter 131D of the General	
15		Statutes;	
16	(5)	Developmental child care centers licensed under Article 7 of Chapter	
17		110 of the General Statutes;	
18	(6)	Persons subject to licensure under rules of the Social Services	
19		Commission;	
20	(7)	Persons subject to rules and regulations of the Division of Vocational	
21		Rehabilitation Services;	
22	(8)	Facilities that provide occasional respite care for not more than two	
23		individuals at a time; provided that the primary purpose of the facility	
24		is other than as defined in G.S. 122C-3(14);	
25	(9)	Twenty-four-hour nonprofit facilities established for the purposes of	
26		shelter care and recovery from alcohol or other drug addiction through	

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1		a 12-step, self-help, peer role modeling, and self-governance approach;	
2		and	
3	(10)	Inpatient chemical dependency or substance abuse facilities that	
4		provide services exclusively to inmates of the Department of	
5		Correction, as described in G.S. 148-19.1. G.S. 148-19.1; and	
6	<u>(11)</u>	Faith-based chemical dependency or substance abuse facilities wherein	
7		the treatment program is conducted by a religious organization exempt	
8		from federal income tax under section 501(a) of the Internal Revenue	
9		Code: is exclusively religious, spiritual, or ecclesiastical in nature and	
10		does not treat minors.	
11	(b) The	Commission may adopt rules establishing a procedure whereby a	
12	licensable facil	ity certified by a nationally recognized agency, such as the Joint	
13	Commission on Accreditation of Hospitals, may be deemed licensed under this Article		
14	by the Secretar	y. Any facility licensed under the provisions of this subsection shall	
15	continue to be subject to inspection by the Secretary."		
16	SECT	FION 2. This act is effective when it becomes law.	