

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

1

SENATE BILL 533

Short Title: Exemption From MH Facility Licensing. (Public)

Sponsors: Senators Horton; Allran, Apodaca, Ballantine, Berger, Bingham, Blake, Brock, Carpenter, Carrington, Foxx, Garrou, Garwood, Hartsell, Holloman, Rucho, Sloan, Tillman, and Webster.

Referred to: Health & Human Resources.

March 25, 2003

A BILL TO BE ENTITLED
AN ACT TO EXEMPT FAITH-BASED SUBSTANCE ABUSE ORGANIZATIONS
FROM MENTAL HEALTH FACILITY LICENSURE REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 122C-22 reads as rewritten:

"§ 122C-22. Exclusions from licensure; deemed status.

(a) The following are excluded from the provisions of this Article and are not required to obtain licensure under this Article:

- (1) Physicians and psychologists engaged in private office practice;
- (2) General hospitals licensed under Article 5 of Chapter 131E of the General Statutes, that operate special units for the mentally ill, developmentally disabled, or substance abusers;
- (3) State and federally operated facilities;
- (4) Adult care homes licensed under Chapter 131D of the General Statutes;
- (5) Developmental child care centers licensed under Article 7 of Chapter 110 of the General Statutes;
- (6) Persons subject to licensure under rules of the Social Services Commission;
- (7) Persons subject to rules and regulations of the Division of Vocational Rehabilitation Services;
- (8) Facilities that provide occasional respite care for not more than two individuals at a time; provided that the primary purpose of the facility is other than as defined in G.S. 122C-3(14);
- (9) Twenty-four-hour nonprofit facilities established for the purposes of shelter care and recovery from alcohol or other drug addiction through

- 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 (11) 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 facility 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 Secretary. Any facility licensed under the provisions of this subsection shall
15 continue to be subject to inspection by the Secretary."
- 16 **SECTION 2.** This act is effective when it becomes law.