

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1142

SHORT TITLE: SUBSTANCE ABUSE CERTIFICATION ACT

SPONSOR(S): REP. ALEXANDER

FISCAL IMPACT: Expenditures: Increase () Decrease ()
Revenues: Increase () Decrease ()
No Impact (X) - No state funds involved.
No Estimate Available ()

FUND AFFECTED: General Fund () Highway Fund () Local Fund ()
Other Fund (X) - North Carolina Substance Abuse
Professional Certification Board

BILL SUMMARY:

H1142. SUBSTANCE ABUSE CERT. ACT. "TO ESTABLISH THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION ACT." Adds new article 5C to GS Chapter 90 establishing NC Substance Abuse Professionals Certification Board to certify substance abuse counselors and substance abuse prevention consultants. Creates interim 16-member board, comprised of two members appointed by General Assembly (one on recommendation of Speaker and one on recommendation of President pro tem.) and 14 members who, at the effective date of the bill, are members of the NC Substance Abuse Professionals Certification Board, Inc. Directs interim board to create permanent 21-member board by April 1, 1994, through combination of appointments and elections as set forth in bill. Provides that members of permanent board shall serve three-year terms, but that no member shall serve more than two consecutive terms. Grants to board authority to establish standards for certification of substance abuse counselors and consultants, including educational and examination requirements. Makes it a misdemeanor for anyone to practice as a substance abuse counselor or consultant in violation of article, and sets forth grounds for disciplinary action against persons subject to article. Provides that all persons certified by NC Substance Abuse Professionals Certification Board, Inc. as of effective date of article are considered certified pursuant to article, but such persons must file proof of prior certification with and request certification from new permanent board within six months of effective date of article. Effective Dec. 1, 1993, and applicable to requirements and causes of action arising on or after that date. Introduced by Alexander.

AMENDMENTS/COMMITTEE SUBSTITUTES - May 7

H 1142. SUBSTANCE ABUSE CERT. ACT. Intro. 4/19. House

committee substitute amends GS 90-113.31 to add definition of substance abuse counseling, amends GS 90-113.32 to reduce the size of the North Carolina Substance Abuse Professionals Certification Board from 21 to 19 and to require that a member who has served two consecutive terms to be off the board for at least one year prior to reappointment, amends GS 90-113.38 to provide that fees for certification and renewal may not exceed \$275, and adds GS 90-113.41A to exempt other regulated professions who provide substance abuse counseling in the normal practice of their profession (but only those licensed under this act may use the title of certified substance abuse counselor or certified substance abuse prevention consultant).

AMENDMENTS/COMMITTEE SUBSTITUTES - May 24, 1993

H 1142. SUBSTANCE ABUSE CERT. ACT. Intro. 4/19; comm. sub. 5/7. House amendment #1 deletes provision at GS 90-113.33(8) permitting Board to establish fees for administrative hearings requested by the members, and further amends that section to permit Board to charge the costs of investigations as part of the decision imposing discipline on a person (was, to charge the reasonable costs of investigations and the hearing to the person disciplined). Amends GS 90-113.38 to permit combined fees for certification not to exceed \$300, and up to \$100 for renewal (was, \$275 for certification or renewal). Deletes provision at GS 90-113.40 requiring person seeking certification to make application using Board form, and makes statutory citation change in that same section. Makes other technical and conforming changes. House amendment #2 amends GS 90-113.45 to provide that all persons certified by the Board on the effective date of the act are to be certified by the Board if they file an application within six months of the effective date (was, are considered certified and required to file in six months from effective date).

EFFECTIVE DATE: December 1, 1993

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED:

	FISCAL IMPACT				
	<u>FY</u>	<u>FY</u>	<u>FY</u>	<u>FY</u>	<u>FY</u>
	93-94	94-95	95-96	96-97	97-98
RECEIPTS/FEES	50,450	50,450	50,450	50,450	50,450

Note: Average amounts generated from fees were used due to the timing of certifications and re-certifications. Certifications occur in January and June. Re-certifications occur every two years, but only 1/4 (one fourth) of those eligible for re-certification are re-certified at a time causing some re-certifications to occur in one fiscal year and others to occur in another even though they are due at the same time.

POSITIONS:

ASSUMPTIONS AND METHODOLOGY: The assumptions used in this analysis are based on the information contained in the North Carolina Substance Abuse Professionals Certification Board's Treasurer's Reports for July 1, 1990 through June 30, 1992 and actual income and expenditures through May 1993.

Revenue estimates are based on the historical financial data of the North Carolina Substance Abuse Professional Certification Board. The sufficiency of the proposed fee, which is not to exceed \$300 (three hundred dollars) is based primarily on the past expenditure pattern of the Board. Based on present and projected certifications and re-certifications the Board estimates an average of \$50,450 per year over the next five years to be generated from fees based on a certification fee of \$275 (two hundred seventy-five dollars) and a re-certification fee of \$75 (seventy-five dollars). This revenues generated from this fee alone would not be sufficient to cover the projected expenditures of the Board. Page 4, Section 90.113.33, lines 24-26 of the Bill allows for the Board to establish fees for other services provided by the Board. Since all costs do not have to be covered by the certification and re-certification fees those fees should be sufficient to cover the costs of administering the certification and re-certification process if assessed at or near the \$300 maximum amount.

It is not anticipated that the proposed legislation would have a significant impact on the Judicial Department or the Department of Correction. The Bill makes it a misdemeanor punishable by a fine, imprisonment, or both to practice as a certified substance abuse counselor without first having obtained a certificate or certification from the Board. Both the Administrative Office of the Courts and the existing N. C. Substance Abuse Professionals Certification Board, Inc. estimate that very few violations are likely to occur. There are currently 652 substance abuse counselors and substance abuse consultants that would receive certification upon ratification of the Bill.

SOURCES OF DATA: North Carolina Substance Abuse Professionals Certification Board Incorporated.

TECHNICAL CONSIDERATIONS: The Bill as written does not establish any parameters for the establishment of other fees. It may be useful to state that fees for other services will be assessed based on the actual cost of providing the service, or fees for other services provided by the Board will be adequate, reasonable, and customary for similar services.

FISCAL RESEARCH DIVISION

733-4910

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DATE: June 14, 1993

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