

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 543

Short Title: Emp. Assist. Program Cert.

(Public)

Sponsors: Senators Ward; Harris, Walker, and Tally.

Referred to: Rules and Operation of the Senate.

March 24, 1993

A BILL TO BE ENTITLED  
AN ACT TO AUTHORIZE THE CERTIFICATION OF EMPLOYEE ASSISTANCE  
PROGRAMS.

Whereas, it is beneficial to all citizens of this State that employee assistance programs operating within the State provide quality services to all employees; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. This act shall be known and may be cited as "the Employee Assistance Program Certification Act of 1993".

Sec. 2. G.S. 143B-147(a) reads as rewritten:

"(a) There is hereby created the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Human Resources with the power and duty to adopt, amend and repeal rules to be followed in the conduct of State and local mental health, developmental disabilities, alcohol and drug abuse programs including education, prevention, intervention, treatment, rehabilitation and other related services. Such rules shall be designed to promote the amelioration or elimination of the mental health, developmental disabilities, or alcohol and drug abuse problems of the citizens of this State. The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall have the authority:

(1) To adopt rules regarding the

a. Admission, including the designation of regions, treatment, and professional care of individuals admitted to a facility operated under the authority of G.S. 122C-181(a), that is now or may be established;

- 1                   b.     Operation of education, prevention, intervention, treatment,  
2                   rehabilitation and other related services as provided by area  
3                   mental health, developmental disabilities, and substance abuse  
4                   authorities under Part 4 of Article 4 of Chapter 122C of the  
5                   General Statutes;  
6                   c.     Hearings and appeals of area mental health, developmental  
7                   disabilities, and substance abuse authorities as provided for in  
8                   Part 4 of Article 4 of Chapter 122C of the General Statutes;  
9                   d.     Requirements of the federal government for grants-in-aid for  
10                  mental health, developmental disabilities, alcohol or drug abuse  
11                  programs which may be made available to local programs or the  
12                  State. This section is to be liberally construed in order that the  
13                  State and its citizens may benefit from such grants-in-aid;  
14           (2)     To adopt rules for the licensing of facilities for the mentally ill,  
15           developmentally disabled, and substance abusers, under Article 2 of  
16           Chapter 122C of the General Statutes.  
17           (3)     To advise the Secretary of the Department of Human Resources  
18           regarding the need for, provision and coordination of education,  
19           prevention, intervention, treatment, rehabilitation and other related  
20           services in the areas of:  
21           a.     Mental illness and mental health,  
22           b.     Developmental disabilities,  
23           c.     Alcohol abuse, and  
24           d.     Drug abuse;  
25           (4)     To review and advise the Secretary of the Department of Human  
26           Resources regarding all State plans required by federal or State law  
27           and to recommend to the Secretary any changes it thinks necessary in  
28           those plans; provided, however, for the purposes of meeting State plan  
29           requirements under federal or State law, the Department of Human  
30           Resources is designated as the single State agency responsible for  
31           administration of plans involving mental health, developmental  
32           disabilities, alcohol abuse, and drug abuse services;  
33           (5)     To adopt rules relating to the registration and control of the  
34           manufacture, distribution, security, and dispensing of controlled  
35           substances as provided by G.S. 90-100;  
36           (6)     To adopt rules to establish the professional requirements for staff of  
37           licensed facilities for the mentally ill, developmentally disabled, and  
38           substance abusers. Such rules may require that one or more, but not all  
39           staff of a facility be either licensed or certified. If a facility has only  
40           one professional staff, such rules may require that that individual be  
41           licensed or certified. Such rules may include the recognition of  
42           professional certification boards for those professions not licensed or  
43           certified under other provisions of the General Statutes provided that

1 the professional certification board evaluates applicants on a basis  
2 which protects the public health, safety or welfare;

3 (7) Except where rule making authority is assigned under that Article to  
4 the Secretary of the Department of Human Resources, to adopt rules to  
5 implement Article 3 of Chapter 122C of the General Statutes;

6 (8) To adopt rules specifying procedures for waiver of rules adopted by  
7 the ~~Commission~~-Commission; and

8 (9) To adopt rules for the certification of employee assistance programs,  
9 as provided by Article 2A of Chapter 122C of the General Statutes."

10 Sec. 3. Chapter 122C of the General Statutes is amended by adding a new  
11 Article 2A to read:

12 **"ARTICLE 2A.**

13 **"CERTIFICATION OF EMPLOYEE ASSISTANCE PROGRAMS.**

14 **"§ 122C-35. Employee Assistance Programs; purpose.**

15 The purpose of this Article is to provide for certification of employee assistance  
16 programs in order to ensure that the public has a means of protecting itself from the  
17 unprofessional, improper, unauthorized, and unqualified use of certain titles by persons  
18 who operate employee assistance programs.

19 **"§ 122C-36. Employee Assistance Program defined.**

20 An employee assistance program is a program, whether public or private, that is  
21 designed to assist in the identification and resolution of job performance problems in the  
22 workplace associated with employees impaired by personal concerns including health,  
23 marital, family, financial, alcohol, drug, legal, emotional, stress, or other personal  
24 concerns that may adversely affect employee job performance, but does not include a  
25 program operated by an employer for that employer's own employees and staffed within  
26 the organization.

27 **"§ 122C-37. Employee Assistance Programs; certification requirements.**

28 (a) No person who is not certified under this Article shall use a title or  
29 description such as 'certified employee assistance program' or any other name, style, or  
30 description denoting that the person operates a certified employee assistance program.  
31 Nothing in this section prohibits any person from advertising the performance of  
32 employee assistance services, the persons from whom services may be obtained, and  
33 prices.

34 (b) The Secretary shall make applications for certificates required by this section  
35 available, and each application filed with the Secretary shall contain all information  
36 requested by the Secretary. A certificate shall be granted to the applicant upon a  
37 determination by the Secretary that the applicant has complied with the provisions of  
38 this Article and the rules promulgated by the Commission pursuant to this Article.

39 (c) The Secretary shall renew the certificate in accordance with the rules of the  
40 Commission.

41 (d) The Commission shall adopt rules to implement the provisions and purposes  
42 of this Article.

43 **"§ 122C-38. Employee Assistance Programs; adverse action on a certificate.**

