

10A NCAC 27A .0208 FUNDING DRUG EDUCATION SCHOOLS

- (a) Pursuant to G.S. 90-96.01 the Department of Health and Human Services shall have the authority to approve programs, budgets and contracts with public and private governmental and nongovernmental bodies for drug education schools operated by an area program or operated by a contractor through a contract with an area program.
- (b) Fees paid by persons enrolling in a drug education school established pursuant to G.S. 90-96.01 shall be used to support the schools except as indicated in Paragraph (e) of this Rule. Other funds to support the schools may come from multiple sources such as, but not limited to, county general funds, state appropriations, federal appropriations, and receipts for services (patient fees). This Rule is established to set accounting requirements for the fees received pursuant to G.S. 90-96.01.
- (c) Fees received pursuant to G.S. 90-96.01 shall be limited to purchases of the following:
- (1) to rent or lease space to conduct drug education school classes if sufficient space is not available in area program facilities;
 - (2) personnel and support costs necessary to assure a systematic and timely processing of referrals to drug education schools;
 - (3) supplies and materials necessary for the efficient and timely operation, evaluation and administration of drug education schools and for developing and maintaining an efficient liaison process with the judicial system, interested community groups, and the Department of Human Resources;
 - (4) non-administrative equipment necessary for the operation of drug education schools;
 - (5) administrative equipment for drug education school personnel employed full-time and a pro-rated amount for personnel assigned less than 100 percent of the time to drug education schools;
 - (6) renovations that do not result in the acquisition of real property by the area program;
 - (7) travel required for the effective operation of the drug education schools;
 - (8) area program administrative costs that can be documented as chargeable to the schools; and
 - (9) other necessary operating expenses as approved by the Division.
- (d) Fees received pursuant to G.S. 90-96.01 shall not be used for acquisition of real property by the area program.
- (e) Fees received pursuant to G.S. 90-96.01 shall be used to support the operation, evaluation and administration of the drug education schools. Any excess fees received pursuant to G.S. 90-96.01 shall be used to continue or to expand alcohol and drug services.
- (f) Fees received pursuant to G.S. 90-96.01 shall not be used in any manner to match state or division funds or to be included in any computation for state or division formula funded allocations.
- (g) Fees received pursuant to G.S. 90-96.01 shall be consistently identified as such. All such fees remaining at the end of the area program's fiscal year shall retain their identity and the fund balance of the area program shall be so restricted as to assure continued use of the fees for the drug education schools or to continue or to expand other alcohol and drug abuse services.
- (h) Area programs shall maintain records which indicate which individuals have paid for the drug education schools.
- (i) Pursuant to G.S. 90-96.01, area programs shall receive fees from either the person enrolled in the class or from the judiciary. The individual enrolled in the school shall pay the fee to the area program providing the school, except that if the clerk of court in the county in which the person is sentenced agrees to collect the fees, the clerk shall collect all fees for persons sentenced in that county. The clerk shall pay the fees collected to the area program serving the catchment area in which the clerk is located regardless of where the person attends the school.
- (j) Area programs receiving fees from the judiciary for individuals who will be enrolled in schools operated by other area programs shall transfer 80 percent of the fees received from the judiciary for those individuals to the area programs enrolling the individuals upon receipt of an invoice. The 80 percent shall be transferred to the area program providing the school regardless of whether the individual attends the school.
- (k) Area programs receiving fees directly from an individual who has been sentenced in a county outside the area program's catchment area shall transfer 15 percent of the fees collected to the area program which serves the county where the individual was sentenced upon receipt of an invoice from the area program serving the county where the sentencing occurred. Any area program not desiring to collect the 15 percent from another area program is not required to invoice that program. A decision not to collect the 15 percent shall be approved by the area board and documented in the board minutes. An area program that does not desire to invoice another area program shall honor invoices presented to it from other area programs that desire to collect the 15 percent.
- (l) Five percent of all fees received by the area program pursuant to G.S. 90-96.01 shall be forwarded to the Division of MH/DD/SAS on a monthly basis. The check for 5 percent of the fees received shall be accompanied by a transmittal indicating from whom the fees were received. The area program that initially receives the fees from the persons paying the fees or from the judiciary system shall be responsible for transferring the 5 percent to the Division. Checks shall be made payable to and sent to: Division of Mental Health, Developmental Disabilities and Substance Abuse Services, 3001 Mail Service Center, Raleigh, North Carolina 27699-3001.

(m) The amount of fees transferred to another area program or to the division as indicated in (j) through (l) of this Rule shall be recorded in the accounting records as transfer of DES Fees. Under no circumstances shall the transfer of fees be recorded as an operating expense in which the Division would participate.

(n) In order to secure approval of the program and budget supported by fees received pursuant to G.S. 90-96.01, the area program shall include the programmatic and budgetary data in the annual plan of work submitted to the Division each fiscal year.

History Note: Authority G.S. 90-96.01; 122C-132; 122C-143;
Eff. July 1, 1982;
Amended Eff. February 1, 1996; October 1, 1982;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 25, 2016.