

1 SB266
2 145447-1
3 By Senators Marsh, Allen, Glover, Holtzclaw, Dial, Holley,
4 Waggoner and Orr
5 RFD: Health
6 First Read: 28-FEB-13

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8 SYNOPSIS: Under existing law, no person, partnership,
9 corporation, or association of persons may operate
10 a facility or institution for the care or treatment
11 of substance abuse without being certified by the
12 Department of Mental Health or licensed by the
13 State Board of Health.

14 This bill would additionally require consent
15 and approval from the governing authority of the
16 municipality in which the facility is to be
17 located, or the county if it is to be located
18 outside of the corporate limits of a municipality.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 To amend Section 22-50-17, Code of Alabama 1975,
25 relating to mental health treatment facilities; to require
26 approval from the governing authority of the municipality in
27 which the facility is to be located, or the county if it is to

1 be located outside of the corporate limits of a municipality,
2 for the operation of a facility or institution for the care or
3 treatment of substance abuse.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 22-50-17, Code of Alabama 1975,
6 is amended to read as follows:

7 "§22-50-17.

8 "(a) No person, partnership, corporation, or
9 association of persons shall operate a facility or institution
10 for the care or treatment of any kind of mental or emotional
11 illness or substance abuse or for providing services to
12 persons with an intellectual disability as defined in this
13 chapter, without being certified by the department or licensed
14 by the State Board of Health; provided that nothing in this
15 section shall be construed so as to require a duly authorized
16 physician, psychiatrist, psychologist, social worker, licensed
17 professional counselor operating under the scope of his or her
18 license, or Christian Science practitioner to obtain a license
19 for treatment of patients in his or her private office, unless
20 he or she keeps two or more patients in his or her office for
21 continuous periods of 24 hours or more in one week, or that a
22 church or ministry be certified which provides only religious
23 services.

24 "(b) In addition to the requirements of subsection
25 (a), a facility or institution for the care or treatment of
26 substance abuse shall obtain a certificate from the clerk or
27 proper officer of the municipality wherein the licensed

1 premises is to be located, or the county if it is to be
2 located outside of the corporate limits of a municipality,
3 verifying that the applicant has submitted an application to
4 the governing authority and obtained its consent and approval.

5 ~~"(b)(c)~~ No part of this section shall be construed
6 as a mandate for an insurance policy, plan, or contract to
7 offer or provide new or additional coverage benefits, or
8 require any payment or prepayment to any person by any insurer
9 or health care service plan."

10 Section 2. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.