

N.C.P.I.—Crim. 220.43

MAKING A MATERIALLY [FALSE] [MISLEADING] STATEMENT THAT A RELATIONSHIP WITH A TREATMENT PROVIDER EXISTS WITH THE INTENT TO DEFRAUD. FELONY.

GENERAL CRIMINAL VOLUME

MARCH 2024

N.C. Gen. Stat. § 90-113.151(d)(3)

220.43 MAKING A MATERIALLY [FALSE] [MISLEADING] STATEMENT THAT A RELATIONSHIP WITH A TREATMENT PROVIDER EXISTS WITH THE INTENT TO DEFRAUD. FELONY.

The defendant has been charged with making a materially [false] [misleading] statement that a relationship with a treatment provider exists with the intent to defraud.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant knowingly¹ made a materially [false] [misleading] statement that a relationship with a treatment provider² existed.

And Second, that the defendant did so with the intent³ to defraud another person.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly made a materially [false] [misleading] statement that a relationship with a treatment provider existed with the intent to defraud another person (nothing else appearing)⁴, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

1. A person acts “knowingly” when the person is aware or conscious of what he or she is doing.

2. “Treatment provider” means a person or entity that is, or is required to be, licensed, accredited, or certified to provide substance use disorder treatment services. For purposes of this Article, the term includes treatment facilities. N.C. Gen. Stat. § 90-113.150(5).

3. For a definition of intent see N.C.P.I.—Crim. 120.10.

4. The statute provides an exception for if “the treatment provider has provided express, written consent to indicate such a relationship.” N.C. Gen. Stat. 90-113.151(d)(3). N.C. Gen. Stat. § 90-113.153 also provides that this does not apply to “[a] general hospital licensed under Article 5 of Chapter 131E of the General Statutes” or “[a] hospital authority

N.C.P.I.—Crim. 220.43

MAKING A MATERIALLY [FALSE] [MISLEADING] STATEMENT THAT A
RELATIONSHIP WITH A TREATMENT PROVIDER EXISTS WITH THE INTENT
TO DEFRAUD. FELONY.

GENERAL CRIMINAL VOLUME

MARCH 2024

N.C. Gen. Stat. § 90-113.151(d)(3)

organized under Article 2 of Chapter 131E of the General Statutes.” See *State v. Carey*, 273 N.C. App. 593, 849 S.E.2d 111 (2020) (holding that the language “‘does not apply’ is exculpatory, and is not an underlying element of the offense.”).