

N.C.P.I.—Crim. 220.45

[PROVIDING] [DIRECTING ANY OTHER PERSON TO PROVIDE] FALSE INFORMATION ABOUT THE IDENTITY OF ANY TREATMENT PROVIDER WITH THE INTENT TO DEFRAUD. FELONY.

GENERAL CRIMINAL VOLUME

MARCH 2024

N.C. Gen. Stat. § 90-113.151(d)(1)

220.45 [PROVIDING] [DIRECTING ANY OTHER PERSON TO PROVIDE] FALSE INFORMATION ABOUT THE IDENTITY OF ANY TREATMENT PROVIDER WITH THE INTENT TO DEFRAUD. FELONY.

The defendant has been charged with [providing] [directing] another person to provide false information about the identity of any treatment provider 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 [provided] [[directed] another [person] [entity] to provide]] [false] [misleading] information.

And Second, that the defendant did so with the intent² to defraud another person about the [identity of] [contact information for] any treatment provider.³

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant knowingly [provided] [[directed] another [person] [entity] to provide]] [false] [misleading] information with the intent to defraud another person about the [identity of] [contact information for] any treatment provider (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. For a definition of intent see N.C.P.I.—Crim. 120.10.

3. “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).

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4. N.C. Gen. Stat. § 90-113.153 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 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.”).