

April 18, 2007

**H 1654. CLARIFY MH/DD/SA RULE-MAKING AUTHORITY.** Filed 4/18/07. *TO CLARIFY THE AUTHORITY OF THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES RULE-MAKING AUTHORITY.*

Amends GS 122C-114 to require the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services to adopt rules for enumerated areas, including the content and format of local management entity business plans, the operation of state facilities, and the expenditure of all funds for mental health, developmental disabilities, and substance abuse programs and services. Makes conforming changes to GS 122C-112.1, requiring the Secretary of Health and Human Services to consult with the commission regarding rules for areas specified in GS 122C-114. Effective October 1, 2007.

**Intro. by Insko.**

GS 122C

May 17, 2007

**H 1654. CLARIFY MH/DD/SA RULE-MAKING AUTHORITY.** Filed 4/18/07. House committee substitute makes the following changes to 1st edition. Modifies GS 122C-112.1(a) [regarding the powers and duties of the Secretary of the Department of Health and Human Services (Secretary)] to direct the Secretary to make recommendations to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services (Commission) (was, consult with the Commission) regarding rules to be adopted by the Commission. Creates exceptions to the Secretary's authority to operate facilities and adopt rules pertaining to their operation and to adopt rules governing the expenditure of all funds from the Trust Fund for Mental Health, Developmental Disabilities, and Substance Abuse Services and Bridge Funding Needs (MH/DD/SA). Confers authority on the Commission to adopt rules (i) regarding the admission and discharge of patients to state facilities [GS 122C-114(b)(3)]; (ii) to standardize criteria and processes for the expenditure of all funds from the Trust fund for MH/DD/SA [GS 122C-114(b)(4)]; and, standardize criteria and procedures to allow an LME to reallocate funds between broad age and disability categories [GS 122C-114(b)(5)]. Deletes proposed changes to GS 122C-112.1(a)(13), (a)(15), and (a)(24) regarding consultation with the commission. Makes conforming changes to GS 122C-125, 122C-141(a), and 122C-141(d). Modifies GS 122C-114 to delineate changes in the rule-making authority of the Commission; specifies that any rules previously adopted by the Secretary remain effective unless amended or repealed by the Commission.

May 23, 2007

**H 1654. CLARIFY MH/DD/SA RULE-MAKING AUTHORITY.** Filed 4/18/07. House amendment makes the following changes to 2nd edition. Effective July 1, 2007, appropriates \$100,000 for 2007-08 and \$100,000 for 2008-09 from the General Fund to the Department of Health and Human Services to be allocated to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services for permanent staff to assist the commission.

July 30, 2007

**H 1654. FUNDS/FULL-TIME POSITION/DMH/COMM. MH/DD/SA (NEW).** Filed 4/18/07. House committee substitute makes the following changes to 3rd edition. Deletes all provisions of the third edition and replaces it with *AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, TO USE AVAILABLE FUNDS FOR THE 2007-2008 AND 2008-2009 FISCAL YEARS TO FUND ONE FULL-TIME POSITION FOR THE DIVISION AND TO ASSIST THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES IN CARRYING OUT ITS DUTIES.* Notwithstanding the provisions of GS 143C-6-5 (no expenditures for purposes for which the General Assembly has considered but not enacted an appropriation), directs the Department of Health and Human Services to allocate \$100,000 from funds available in the 2007-08 and 2008-09 fiscal years for

one full-time position in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (MH/DD/SAS) to assist the Commission for MH/DD/SAS in various matters.

The act is effective on the date the Current Operations and Capital Improvements Appropriations Act of 2007 becomes effective.