

March 13, 2007

H 627. EXTEND PILOT/CLARIFY LME FUNCTIONS/LME ADMIN. Filed 3/13/07. *AN ACT TO EXTEND THE FIRST COMMITMENT PILOT PROGRAM, TO FURTHER CLARIFY LME CORE FUNCTIONS, AND TO ALLOW ADDITIONAL TIME FOR AN LME TO MERGE WHEN IT HAS GONE BELOW THE TWO HUNDRED THOUSAND POPULATION OR SIX COUNTY THRESHOLD DUE TO A CHANGE IN COUNTY MEMBERSHIP AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.*

Amends SL 2003-178, as amended by SL 2006-66, Section 10.27, which established a pilot procedure whereby mental health authority local management entities (LMEs) can request a temporary waiver of the requirements of GS 122C-261 through GS 122C-263 and GS 122C-281 through 122C-283 from the Secretary of Health and Human Services and substitute a licensed clinical social worker, a masters-level psychiatric nurse, or a masters-level certified clinical addictions specialist for a physician or psychologist in performance of initial (first-level) commitment examinations. The act amends the session law in the following ways: (1) extends to October 1, 2010, the term of any waiver granted under SL 2003-178, as amended, and extends the date to October 1, 2009, by which the secretary must report to the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services on the effect of the waiver on the delivery of mental health, developmental disability, and substance abuse services; (2) increases the total number of waivers that the secretary may grant under this pilot program from five to ten LMEs; (3) extends the expiration date of SL 2003-178, as amended, to October 1, 2010; and (4) makes technical changes.

The act also directs the Joint Legislative Oversight Committee to review the report by the secretary on the effect of the waiver program and to make recommendations to the 2011 General Assembly regarding whether to further extend the pilot or make it permanent or statewide.

The act also amends GS 122C-115.4 by adding language clarifying that the primary functions of an LME are designated in GS 122C-115.4(b) and that these functions are not to be conducted by any other entity unless an LME voluntarily enters into a contract with that entity or the secretary designates another entity as also eligible to perform these primary functions because the LME has failed to achieve satisfactory outcomes on the secretary's critical performance measures.

The act amends GS 122C-115(a1) by providing that effective July 1, 2007, the Department of Health and Human Services must reduce by 10 percent annually the administrative funding for LMEs that do not comply with catchment area requirements, except when an LME does not comply because of a change in county membership, in which case the LME has 12 months from the effective date of the change to comply with its catchment requirements.

Intro. by Insko.

GS 122C

May 17, 2007

H 627. EXTEND PILOT/CLARIFY LME FUNCTIONS/LME ADMIN. Filed 3/13/07. House committee substitute makes the following changes to 1st edition. Requires the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services to make recommendations to the 2010 Regular Session of the General Assembly (was, to the 2011 General Assembly) on whether to extend, discontinue, or make the provisions of the pilot permanent and statewide (was, whether to extend the pilot or make it permanent or statewide). Amends GS 122C-115.4 to: (1) provide that nothing in subsection (b) is to be construed to preempt or supersede the regulatory or licensing authority of other state or local departments or divisions; and (2) remove from subsection (c) the preemption language concerning the authority of a local management entity. Amends GS 122C-118.1(a) to remove the population requirement for multi-county area boards to have up to 30 members. Makes a conforming title change. Changes the effective date to make only the amendments to GS 122C-115(a1) effective July 1, 2007.

July 25, 2007

H 627. EXTEND PILOT/CLARIFY LME FUNCTIONS/LME ADMIN. Filed 3/13/07. Senate committee substitute makes the following changes to 2nd edition. Reorganizes the bill. Modifies proposed amendments to GS 122C-115.4 as follows. Modifies the primary functions of a local management entity (LME) to allow an LME to remove a provider's endorsement if a provider fails to adequately document the provision of services or fails to provide required staff training. Also allows an LME to participate in the development of person-centered plans for any consumer and requires monitoring the implementation of those plans. Expands what is included in *care coordination and quality management* and specifies activities that are included in care coordination activities for high-risk/high-cost consumers or consumers at a critical treatment juncture. Makes technical changes.

Amends GS 122C-118.1(b) to prohibit an individual contracting with an LME for the delivery of mental health, developmental disabilities, and substance abuse services from serving on the LME's board while the contract is in effect. Effective October 1, 2007, amends GS 122C-115.2 to require the Secretary of Health and Human Services to develop a model business plan and provide each LME with the model plan to assist the LME in developing its business plan. Also provides that a business plan that substantially complies with the model business plan meets the requirements of state law and standards adopted by the Secretary. Requires the Secretary, upon determining that a business plan needs substantial changes to be certifiable, to provide the LME with information on each area needing changes and instructions on what changes need to be made for the plan to be certifiable. Effective October 1, 2007, amends GS 122C-112.1(a) to require the Secretary to implement the uniform portal process developed under rules adopted by the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services (Commission). Effective October 1, 2007, amends GS 122C-114 to enumerate rules that must be adopted by the Commission. Amends GS 122C-141 to provide that any approval by the Secretary of a contract between an area authority or county program with other qualified public or private providers, agencies, institutions, or resources for the provision of services may not be for less than one year unless a shorter time is requested. Amends GS 143B-148 to increase the membership of the Commission from 30 members to 32 members to include attorneys with experience in the practices of administrative law and mental health law, and provides that those appointed on or after October 1, 2007, are to be appointed for an initial term of two years, and three years thereafter. Requires the Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services to study the Secretary's and Commission's rule-making authority and report to the 2008 legislative session.

Changes the effective date of the changes to GS 112C-115(a1) from July 1, 2007, to when the act becomes law.

September 4, 2007

SL 2007-504 (H 627). EXTEND PILOT/CLARIFY LME FUNCTIONS/LME ADMINISTRATION. *AN ACT TO MAKE CHANGES TO AND STRENGTHEN THE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES SYSTEM WITH RESPECT TO: THE FIRST COMMITMENT PILOT PROGRAM; LME FUNCTIONS, ADMINISTRATION, AND BOARD MEMBERSHIP; THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES RULE-MAKING AUTHORITY AND PROFESSIONAL STAFFING; THE QUALITY AND ACCESS OF MENTAL HEALTH SERVICES; AND REQUIREMENTS PERTAINING TO LME BUSINESS PLANS.* Summarized in *Daily Bulletin* 3/13/07, 5/17/07, and 7/25/07. Enacted August 30, 2007. Sections 1.4, 2.1–2.3, 2.5, and 3 are effective October 1, 2007. The remainder is effective August 30, 2007.