

March 24, 2009

**S 799. INCREASE TRANSPARENCY OF MH/DD/SA FACILITIES.** Filed 3/24/09. *TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS.*

Amends GS 122C-31(g) to require mental health, developmental disabilities, and substance abuse facilities operated by the Secretary of Health and Human Services to report to the medical examiner the death, if known, of any former client of the facility who dies within seven days of release from a facility. Facilities also must report to the state protection and advocacy agency designated under federal law, PL 106-402, the death of any client and, if known, the death of any former client who dies within seven days of release from the facility. The state protection and advocacy agency must use the information in accordance with its powers and duties under applicable state and federal law. Disclosures made under GS 122C-31(g) must be made without redaction other than to protect confidential personnel information. Adds subsection (h) to GS 122C-31 to make the following information in death reports public record: (1) the name, sex, age, and date of birth of the deceased; (2) the name of the facility providing the report; (3) the date, time, and location of the death; (4) a brief description of the circumstances of death, including the manner of death, if known; and (5) a list of all entities to whom the event was reported.

Amends GS 122C-54 to authorize the Secretary to disclose information involving the welfare of a client or former client when the Secretary determines that the disclosure is essential to maintaining the integrity of the Department of Health and Human Services, but the disclosure must not include information that identifies the client directly, could be used to identify the client indirectly by reference to other publicly available information, or is prohibited from disclosure by state or federal law.

Amends the public records statute to make GS 132-1.4 applicable to the records of criminal investigations conducted by a law enforcement unit of a state facility (thus, not public records) and GS 132-1.4(c) applicable to information collected by the state facility law enforcement unit (thus, a subset of the information collected is public record). Makes other conforming changes.

**Intro. by Rand.**

GS 122C

June 1, 2009

**S 799. INCREASE TRANSPARENCY OF MH/DD/SA FACILITIES.** Filed 3/24/09. House committee substitute makes the following changes to 1st edition. Deletes the amendment to GS 122C-31(e), which provided that, *except as provided in subsections (g) and (h) of this section*, nothing in this section abrogates state or federal law or requirements pertaining to the confidentiality, privilege, or other prohibition against disclosure of information provided to the Secretary of the Department of Health and Human Services or the state protection and advocacy agency. Also makes organizational and technical changes to proposed amended GS 122C-31(g).

June 11, 2009

**S 799. INCREASE TRANSPARENCY OF MH/DD/SA FACILITIES.** Filed 3/24/09. House committee substitute makes the following changes to 2nd edition. Modifies amendment to GS 122C-31(g) to require reporting of a former client who dies within 21 days of release from the facility (was, 7 days). Adds a new subsection (i) to GS 122C-31 (report required upon death of client) providing that notwithstanding GS 122C-22, all facilities defined by GS 122C-3(14) must comply the section. Makes technical changes.

June 30, 2009

**S 799. INCREASE TRANSPARENCY OF MH/DD/SA FACILITIES.** Filed 3/24/09. Conference report recommends the following changes to 3rd edition to reconcile matters in controversy. Provides in proposed amended GS 122C-31(g) that every state facility that provides mental health, developmental disabilities, and substance abuse services must report, if known, the death

of any former client of a facility who dies within 14 (was, 21) days of release from the facility to specified entities.

July 20, 2009

**SL 2009-299 (S 799). INCREASE TRANSPARENCY OF MH/DD/SA FACILITIES. AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS.** Summarized in *Daily Bulletin* 3/24/09, 6/1/09, 6/11/09, and 6/30/09. Enacted July 17, 2009. Effective July 17, 2009.