

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 673
Committee Substitute Favorable 4/13/09
PROPOSED COMMITTEE SUBSTITUTE H673-PCS50709-LB-49

Short Title: Support for Developmental Disab. Services.

(Public)

Sponsors:

Referred to:

March 19, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,
3 DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND
4 SUBSTANCE ABUSE SERVICES, TO TAKE CERTAIN ACTIONS TO IMPROVE
5 SUPPORTS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 122C-115.4(b) is amended by adding the following new
8 subdivision to read:

9 "(b) The primary functions of an LME are designated in this subsection and shall not be
10 conducted by any other entity unless an LME voluntarily enters into a contract with that entity
11 under subsection (c) of this section. The primary functions include all of the following:

12 ...

13 (8) Each LME shall develop a waiting list of persons with intellectual or
14 developmental disabilities that are waiting for specific services. The LME
15 shall develop the list in accordance with rules adopted by the Secretary to
16 ensure that waiting list data are collected consistently across LMEs. Data
17 collected should include numbers of persons that are:

18 a. Waiting for residential services.

19 b. Potentially eligible for CAP-MRDD.

20 c. In need of other services and supports funded from State
21 appropriations to or allocations from the Division of Mental Health,
22 Developmental Disabilities, and Substance Abuse Services, including
23 CAP-MRDD.

24 The LME shall annually report the data maintained to the Department."

25 **SECTION 2.** G.S. 122C-112.1(a) is amended by adding the following new
26 subdivisions to read:

27 "**§ 122C-112.1. Powers and duties of the Secretary.**

28 (a) The Secretary shall do all of the following:

29 ...

30 (35) Develop and adopt rules governing a statewide data system containing
31 waiting list information obtained annually from each LME as required under
32 G.S. 122C-115.4(b)(8). The rules adopted shall establish standardized
33 criteria to be used by LMEs to ensure that the waiting list data are consistent



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1 across LMEs. The Department shall use data collected from LMEs under
2 G.S. 122C-115.4(b)(8) for statewide planning and needs projects. The
3 creation of the statewide waiting list data system does not create an
4 entitlement to services for individuals on the waiting list. The Department
5 shall report annually to the Joint Legislative Oversight Committee on Mental
6 Health, Developmental Disabilities, and Substance Abuse Services its
7 recommendations based on data obtained annually from each LME. The
8 report shall indicate the services that are most in need throughout the State,
9 plans to address unmet needs, and any cost projects to provide needed
10 services.

11 (36) The Department shall ensure that developmental disability services funded
12 from appropriations to or allocations from the Division of Mental Health,
13 Developmental Disabilities, and Substance Abuse Services, including
14 CAP-MRDD are authorized on a quarterly, semiannually, or annual basis, in
15 accordance with guidelines issued by the Department, unless a change in the
16 individual's person-centered plan indicates a different authorization
17 frequency.

18 (37) The Department shall develop new developmental disability service
19 definitions for developmental disability services funded from appropriations
20 to or allocations from the Division of Mental Health, Developmental
21 Disabilities, and Substance Abuse Services, including CAP-MRDD that
22 allow for person-centered and self-directed supports."

23 **SECTION 3.** This act becomes effective July 1, 2009.