

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 423
PROPOSED COMMITTEE SUBSTITUTE H423-PCS70182-SQ-12

Short Title: Enact First Evaluation Program.

(Public)

Sponsors:

Referred to:

March 23, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ALLOW CERTAIN CERTIFIED PROVIDERS TO CONDUCT INITIAL (FIRST-LEVEL) EXAMINATIONS FOR INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH MENTAL ILLNESS, IN A MANNER CONSISTENT WITH THE FIRST EVALUATION PILOT PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Part 7 of Article 5 of Chapter 122C of the General Statutes is amended by adding a new section to read:

"§ 122C-263A. Secretary's authority to waive requirement of first examination by physician or eligible psychologist; training of certified providers performing first examinations.

(a) The Secretary of Health and Human Services may, upon request of an LME, waive the requirements of G.S. 122C-261 through G.S. 122C-263 and G.S. 122C-281 through G.S. 122C-283 pertaining to initial (first-level) examinations by a physician or eligible psychologist of individuals meeting the criteria of G.S. 122C-261(a) or G.S. 122C-281(a), as applicable, as follows:

(1) The Secretary has received a request from an LME to substitute for a physician or eligible psychologist, a licensed clinical social worker, a master's level psychiatric nurse, or a master's level certified clinical addictions specialist in accordance with subdivision (8) of this subsection to conduct the initial (first-level) examinations of individuals meeting the criteria of G.S. 122C-261(a) or G.S. 122C-281(a). In making this type of request, the LME shall specifically describe all of the following:

- a. How the purpose of the statutory requirement would be better served by waiving the requirement and substituting the proposed change under the waiver.
- b. How the waiver will enable the LME to improve the delivery or management of mental health, developmental disabilities, and substance abuse services.
- c. How the health, safety, and welfare of individuals will continue to be at least as well protected under the waiver as under the statutory requirement.



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- 1 (2) The Secretary shall review the request and may approve it upon finding all
2 of the following:
3 a. The request meets the requirements of this section.
4 b. The request furthers the purposes of State policy under G.S. 122C-2
5 and mental health, developmental disabilities, and substance abuse
6 services reform.
7 c. The request improves the delivery of mental health, developmental
8 disabilities, and substance abuse services in the counties affected by
9 the waiver and also protects the health, safety, and welfare of
10 individuals receiving these services.
11 (3) The Secretary shall evaluate the effectiveness, quality, and efficiency of
12 mental health, developmental disabilities, and substance abuse services and
13 protection of health, safety, and welfare under the waiver.
14 (4) A waiver granted by the Secretary under this section shall be in effect for a
15 period of three years.
16 (5) In no event shall the substitution of a licensed clinical social worker,
17 master's level psychiatric nurse, or master's level certified clinical addictions
18 specialist under a waiver granted under this section be construed as
19 authorization to expand the scope of practice of the licensed clinical social
20 worker, the master's level psychiatric nurse, or the master's level certified
21 clinical addictions specialist.
22 (6) The Department shall assure that staff performing the duties have
23 successfully completed the Department's standardized training program and
24 examination and are properly trained and privileged to perform the functions
25 identified in the waiver.
26 (7) The LME shall assure that a physician is available at all times to provide
27 backup support to include telephone consultation and face-to-face
28 evaluation, if necessary.
29 (8) A master's level certified clinical addiction specialist shall only be
30 authorized to conduct the initial examination of individuals meeting the
31 criteria of G.S. 122C-281(a).
32 (b) The Division of Mental Health, Developmental Disabilities, and Substance Abuse
33 Services shall expand its standardized certification training program to include refresher
34 training for all certified providers performing first examinations pursuant to subsection (a) of
35 this section."

36 **SECTION 2.** This act becomes effective October 1, 2011.