

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 347
PROPOSED HOUSE COMMITTEE SUBSTITUTE S347-PCS35390-SQ-87

Short Title: Mental Health Crisis Management.

(Public)

Sponsors:

Referred to:

March 16, 2011

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO REASONABLE SAFETY AND CONTAINMENT MEASURES
3 FOR MANAGING PATIENTS PENDING INVOLUNTARY COMMITMENT
4 PLACEMENT.

5 The General Assembly of North Carolina enacts:

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

8 "§ 122C-263.2. Mental health crisis management: reasonable safety and containment
9 measures.

10 An acute care hospital licensed under Chapter 131E, a department thereof, or other site of
11 first examination that that uses reasonable safety or containment measures and precautions to
12 manage the population of patients being held under appropriate supervision pending
13 involuntary commitment placement and that does not otherwise operate as a licensable mental
14 health facility shall not be deemed to be acting as a 24-hour facility; operating a psychiatric,
15 substance abuse, or special care unit; offering psychiatric or substance abuse services; or acting
16 as a licensed or unlicensed mental health facility. Actions considered to be reasonable safety or
17 containment measures and precautions shall include the following: (i) altering rooms or
18 removing items to prevent injury; (ii) placing patients in a consolidated location of the hospital;
19 (iii) improvements to security and protection of staff; and (iv) any other reasonable measures
20 that do not violate applicable law.

21 Reasonable safety or containment measures and precautions shall not be considered a
22 violation of rules regulating acute care hospitals or mental health facilities. Placing patients in a
23 consolidated location of the hospital pursuant to this subsection shall not constitute a special
24 care unit. Nothing in this subsection relieves an acute care hospital or other site of first
25 examination from complying with all other applicable laws or rules."

26 SECTION 2. The Department of Health and Human Services shall study LME
27 efforts and activities (i) to reduce the need for acute care inpatient admissions for patients with
28 a primary diagnosis of a mental health disorder, developmental disability, or substance abuse
29 disorder and (ii) to reduce the number of patients requiring three or more episodes of crisis
30 services. For the purpose of this section, crisis services include facility-based crisis services,
31 mobile crisis services, and emergency department services. As part of their efforts, LMEs shall
32 ensure appropriate levels of community-based care, including assessment management,
33 boarding, and placement of individuals during the involuntary commitment process. The



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- 1 Department shall report its findings to the General Assembly beginning October 1, 2012, and
2 quarterly thereafter. This section shall expire December 31, 2013.
3 **SECTION 3.** This act is effective when it becomes law.