

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 734

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

H734-ABP-12 [v.9]

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Amends Title [YES]  
Second Edition

Date \_\_\_\_\_, 2021

Senator Perry

1 moves to amend the bill on page 1, lines 3-7, by rewriting to lines to read:

2 "LAWS PERTAINING TO THE DEPARTMENT OF HEALTH AND HUMAN  
3 SERVICES; PROTECTING NORTH CAROLINA CITIZENS FROM THE UNLICENSED  
4 OPERATION OF MENTAL HEALTH FACILITIES OR PROGRAMS PROVIDING  
5 SERVICES REQUIRING A LICENSE UNDER ARTICLE 2 OF CHAPTER 122C OF THE  
6 GENERAL STATUTES; AND MODIFYING THE CONSUMER AND FAMILY  
7 ADVISORY COMMITTEES.";

8  
9 And on page 2, lines 9-49, by rewriting the lines to read:

10 "SECTION 4.(a) G.S. 122C-171 reads as rewritten:

11 "**§ 122C-171. State Consumer and Family Advisory Committee.**

12 (a) There is established the State Consumer and Family Advisory Committee (State  
13 CFAC). The State CFAC ~~shall be~~ shall be a self-governing and self-directed organization that  
14 advises the Department and the General Assembly on the planning and management of the State's  
15 public mental health, ~~developmental disabilities, and substance abuse services system.~~ intellectual  
16 and developmental disabilities, substance use disorder, and traumatic brain injury services  
17 system.

18 (b) The State CFAC shall be composed of 21 members. The members shall be composed  
19 exclusively of adult consumers of mental health, ~~developmental disabilities, and substance abuse~~  
20 ~~services;~~ intellectual and developmental disabilities, substance use disorder, and traumatic brain  
21 injury services and family members of consumers of mental health, ~~developmental disabilities,~~  
22 ~~and substance abuse services.~~ intellectual and developmental disabilities, substance use disorder,  
23 and traumatic brain injury services. The terms of members shall be three years, and no member  
24 may serve more than two consecutive terms. Vacancies shall be filled by the appointing authority.  
25 The members shall be appointed as follows:

26 (1) Nine members appointed by the Secretary. The Secretary's appointments shall  
27 reflect each of the disability groups. The terms shall be staggered so that terms  
28 of three of the appointees expire each year.

29 (2) ~~Three~~ Four members appointed by the President Pro Tempore of the ~~Senate,~~  
30 ~~one each of whom shall come from the three State regions for institutional~~  
31 ~~services (Eastern Region, Central Region, and Western Region).~~ Senate as  
32 follows:



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- 1                   a.     One member from the eastern region of the State.  
2                   b.     One member from the central region of the State.  
3                   c.     Two members from the western region of the State.  
4     The terms of the appointees shall be staggered so that the term of one appointee  
5     expires every year.  
6     (3)   ~~Three~~Four members appointed by the Speaker of the House of  
7     Representatives, ~~one each of whom shall come from the three State regions~~  
8     ~~for institutional services (Eastern Region, Central Region, and Western~~  
9     ~~Region);~~Representatives as follows:  
10                  a.     One member from the eastern region of the State.  
11                  b.     Two members from the central region of the State.  
12                  c.     One member from the western region of the State.  
13     The terms of the appointees shall be staggered so that the term of one appointee  
14     expires every year.  
15     (4)   ~~Three~~by the Council of Community Programs, one each of whom shall come  
16     ~~from the three State regions for institutional services (Eastern Region, Central~~  
17     ~~Region, and Western Region). The terms of the appointees shall be staggered~~  
18     ~~so that the term of one appointee expires every year.~~  
19     (5)   ~~Three~~Four members appointed by the North Carolina Association of County  
20     Commissioners, ~~one each of whom shall come from the three State regions~~  
21     ~~for institutional services (Eastern Region, Central Region, and Western~~  
22     ~~Region);~~Commissioners as follows:  
23                  a.     Two members from the eastern region of the State.  
24                  b.     One member from the central region of the State.  
25                  c.     One member from the western region of the State.  
26     The terms of the appointees shall be staggered so that the term of one appointee  
27     expires every year.  
28     (c)   The State CFAC shall undertake all of the following:  
29           (1)   Review, comment on, and monitor the implementation of the State Plan for  
30           Mental Health, Developmental Disabilities, and Substance Abuse Services.  
31           (2)   Identify service gaps and underserved populations.  
32           (3)   Make recommendations regarding the service array and monitor the  
33           development of additional services.  
34           (4)   Review and comment on the State budget for mental health, ~~developmental~~  
35           ~~disabilities, and substance abuse services;~~intellectual and developmental  
36           ~~disabilities, substance use disorder, and traumatic brain injury services.~~  
37           (5)   ~~Participate in all quality improvement measures and performance~~  
38           ~~indicators;~~Review and comment on contract deliverables and the process and  
39           ~~outcomes of prepaid health plans in meeting these contract deliverables.~~  
40           (6)   Receive the findings and recommendations by local CFACs regarding ways  
41           to improve the delivery of mental health, ~~developmental disabilities, and~~  
42           ~~substance abuse services;~~intellectual and developmental disabilities,

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1                    substance use disorder, and traumatic brain injury services, including  
2                    Statewide issues.  
3            (7) ~~Provide technical assistance to local CFACs in implementing their~~  
4                    ~~duties.~~ Develop a collaborative and working relationship with the prepaid  
5                    health plan member advisory committees to obtain input related to service  
6                    delivery and system change issues.  
7                    ... .";

8  
9    And on page 6, line 44 to page 7, line 14, by rewriting the lines to read:

10            "(a) If the Department has directed a facility not licensed under this Article that is  
11            providing services requiring a license under this Article to cease and desist from engaging in any  
12            act or practice in violation of this Article, then the Department shall conduct a follow-up visit to  
13            determine if the Secretary may issue a cease and desist order pursuant to G.S. 122C-27, unless a  
14            cease and desist order has already been issued.

15            (b) The district attorney's office with jurisdiction over the facility shall collect  
16            information on the total amount of fines collected pursuant to G.S. 122C-28 and report that  
17            information to the Department."

18            **SECTION 7.1.(b)** G.S. 122C-23(e1) reads as rewritten:

19            "(e1) Except as provided in subsection (e2) of this section, the Secretary shall not (i) enroll  
20            ~~any as a new provider for Medicaid Home or Community Based services or other Medicaid~~  
21            ~~services, as defined in 42 C.F.R. 440.90, 42 C.F.R. 440.130(d), and 42 C.F.R. 440.180, in the~~  
22            North Carolina Medicaid or North Carolina Health Choice programs, (ii) revalidate as an enrolled  
23            provider in the Medicaid or NC Health Choice programs during the period of the license  
24            revocation or suspension, or (iii) issue a license for a new facility";

25  
26    And on page 8, lines 33-36, by rewriting the lines to read:

27            "(1) Physicians and psychologists engaged in private office practice.";

28  
29    And on page 9, lines 3-25, by rewriting the lines to read:

30            "**SECTION 7.3.(b)** The Department of Health and Human Services shall establish a  
31            database or expand upon a currently existing database that makes publicly available a searchable  
32            listing of all applicable facilities and programs with all of the following information:

- 33            (1) The facility or program name.  
34            (2) The location, including street and mailing addresses, city, and county, for the  
35            facility or program.  
36            (3) The contact information for the owners, director, or other individual in charge  
37            of the facility or program.  
38            (4) The dates and types of visits conducted by the Division of Health Services  
39            Regulation.  
40            (5) A description of the findings, including whether a complaint was substantiated  
41            or unsubstantiated, and identification of the violation cited if substantiated.  
42            (6) Any action taken under G.S. 122C-28.1 by the Division of Health Services  
43            Regulation.

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1           **SECTION 7.3.(c)** The Department of Health and Human Services shall coordinate  
2 with the Department of Insurance to establish a toll-free number or website for individuals,  
3 providers, and insurers to use in verifying the licensure status of a facility providing mental  
4 health, behavioral health, and substance use disorder services.";

5  
6 And on page 10, lines 20-21, by inserting the following between the lines:

7           **"SECTION 8.1.** G.S. 122C-170 reads as rewritten:

8           **"§ 122C-170. Local Consumer and Family Advisory Committees.**

9           (a) Area authorities ~~and county programs~~ shall establish committees made up of  
10 consumers and family members to be known as Consumer and Family Advisory Committees  
11 (CFACS). A local CFAC shall be a self-governing and a self-directed organization that advises  
12 the area authority ~~or county program~~ in its catchment area on the planning and management of  
13 the local public mental health, ~~developmental disabilities, substance abuse services and~~  
14 intellectual and developmental disabilities, substance use disorder, and traumatic brain injury  
15 services system.

16           Each CFAC shall adopt bylaws to govern the selection and appointment of its members, their  
17 terms of service, the number of members, and other procedural matters. At the request of either  
18 the CFAC or the governing board of the area ~~authority or county program~~, authority, the CFAC  
19 and the governing board shall execute an agreement that identifies the roles and responsibilities  
20 of each party, channels of communication between the parties, and a process for resolving  
21 disputes between the parties.

22           (b) Each of the disability groups shall be equally represented on the CFAC, and the CFAC  
23 shall reflect as closely as possible the racial and ethnic composition of the catchment area. The  
24 terms of members shall be three years, and no member may serve more than three consecutive  
25 terms. The CFAC shall be composed exclusively of:

26           (1) Adult consumers of mental health, ~~developmental disabilities, and substance~~  
27 ~~abuse services.~~ intellectual and developmental disabilities, substance use  
28 disorder, and traumatic brain injury services.

29           (2) Family members of consumers of mental health, ~~developmental disabilities,~~  
30 ~~and substance abuse services.~~ intellectual and development disabilities,  
31 substance use disorder, and traumatic brain injury services.

32           (c) The CFAC shall undertake all of the following:

33           (1) Review, comment on, and monitor the implementation of the ~~local business~~  
34 ~~plan.~~ contract deliverables between area authorities and the Department of  
35 Health and Human Services.

36           (2) Identify service gaps and underserved populations.

37           (3) Make recommendations regarding the service array and monitor the  
38 development of additional services.

39           (4) Review and comment on the area authority ~~or county program~~ budget.

40           (5) ~~Participate in all quality improvement measures and performance~~  
41 ~~indicators.~~ Develop a collaborative and working relationship with the area  
42 authorities member advisory committees to obtain input related to service  
43 delivery and system change issues.

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- 1           (6)    Submit to the State Consumer and Family Advisory Committee findings and  
2                    recommendations regarding ways to improve the delivery of mental health,  
3                    ~~developmental disabilities, and substance abuse services.~~intellectual and  
4                    developmental disabilities, substance use disorder, and traumatic brain injury  
5                    services, including Statewide issues.  
6           (d)    The director of the area authority ~~or county program~~ shall provide sufficient staff to  
7                    assist the CFAC in implementing its duties under subsection (c) of this section. The assistance  
8                    shall include data for the identification of service gaps and underserved populations, training to  
9                    review and comment on ~~business plans~~ contract deliverables and budgets, procedures to allow  
10                    participation in quality monitoring, and technical advice on rules of procedure and applicable  
11                    laws."".

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_    FAILED \_\_\_\_\_    TABLED \_\_\_\_\_

**The official copy of this document, with signatures  
and vote information, is available in the  
Senate Principal Clerk's Office**