

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS35179-MG-19

Short Title: Hospital Petition/Discharge Incapable Adults. (Public)

Sponsors: Senators Sawrey and Adcock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING HOSPITALS TO PETITION THE COURT FOR APPROVAL TO
3 DISCHARGE INCAPACITATED ADULT PATIENTS IN CASES IN WHICH PERSONS
4 AUTHORIZED TO MAKE HEALTH CARE DECISIONS ON BEHALF OF THESE
5 PATIENTS ARE UNWILLING TO CONSENT TO DISCHARGE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Part 4 of Article 5 of Chapter 131E of the General Statutes is amended
8 by adding a new section to read:

9 "**§ 131E-90.5. Petitions by hospitals to make discharge decisions for incapacitated adult**
10 **patients.**

11 In the absence of a person authorized under G.S. 90-21.13(c) who is willing to make health
12 care decisions or consent to discharge on behalf of a patient who lacks capacity to make or
13 communicate health care decisions, the hospital providing treatment or service to the patient may
14 petition the superior court in the county in which the hospital is located, with or without the
15 assistance of legal counsel, for an order authorizing the discharge of the patient as ordered by the
16 attending physician only if the attending physician has the written concurrence of a second
17 physician licensed to practice medicine in this State. A hospital shall not file a petition under this
18 section sooner than five business days after receiving the written concurrence of the second
19 physician. The court shall issue an order granting or denying a petition filed under this section
20 within five business days after receipt of the petition. This section applies only to patients who
21 are 18 years of age or older."

22 **SECTION 2.** This act becomes effective October 1, 2025.

