

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 723
HOUSE BILL 952

AN ACT TO REWRITE ARTICLE 4 OF CHAPTER 122 OF THE GENERAL STATUTES
RELATING TO VOLUNTARY ADMISSION OF PATIENTS INTO TREATMENT
FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 122 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is hereby amended by deleting G.S. 122-56 and inserting in lieu thereof G.S. 122-56, G.S. 122-57, and G.S. 122-58 to read as follows:

"Article 4.

"Voluntary Admission.

"§ 122-56. **Declaration of policy.** — It is the policy of the State to insure that the admission of any person with mental illness to a treatment facility shall be implemented under conditions that protect the dignity and rights of the person; to establish procedures which promptly respond to the needs of the person; to encourage the utilization of voluntary admissions to programs and treatment facilities; and to assure that any person admitted to inpatient treatment facilities is discharged as soon as a less restrictive mode of treatment is appropriate.

"§ 122-57. **Definitions.** — (a) The word 'person', as used in this Article, shall mean the person seeking voluntary admission to a treatment facility.

(b) The words 'qualified physician', as used in this Article, shall have the same meaning as defined in G.S. 122-36(f).

(c) The words 'treatment facility', as used in this Article, shall mean any hospital or institution operated by the State of North Carolina and designated for the admission of any person in need of care and treatment due to mental illness or mental retardation, any center or facility operated by the State of North Carolina for the care, treatment or rehabilitation of inebriates, and any community mental health clinic or center administered by the State of North Carolina, and, provided that approval of admission is obtained from the Director of the Inpatient Service, the Psychiatric Training and Research Center at the South Wing of the North Carolina Memorial Hospital at Chapel Hill for admission or commitment to that facility.

(d) The words 'mental illness', as used in this Article, shall mean 'mental illness' as defined in G.S. 122-36(d) and 'inebriety' as defined in G.S. 122-36(c).

"§ 122-58. **Voluntary admissions.** — (a) Any person who believes himself to be in need of treatment for mental illness may seek voluntary admission to a treatment facility by presenting himself for evaluation to a treatment facility. No formal or written application for evaluation or admission is required. Any person voluntarily seeking admission to a treatment facility must be personally examined and evaluated by a qualified physician of a treatment facility within 24 hours of the time of presenting himself for admission. Such evaluation shall determine whether the person is in need of treatment for mental illness or further psychiatric evaluation by the treatment facility. If the evaluating physician or physicians shall determine that the person is not in need of treatment or further psychiatric evaluation by the treatment facility, the person shall not be accepted as a patient. A written statement from a qualified physician recommending the person for treatment or further psychiatric evaluation shall not be required

prior to admission except that a physician's statement accompanying the person shall be considered a valuable adjunct to the admission procedure.

Any patient voluntarily admitted must be discharged at anytime at his written request submitted to a member of the staff of the treatment facility. The written request may be a statement in the patient's handwriting requesting discharge or it may be a form supplied by the treatment facility which is signed by the patient. Within 24 hours of accepting a person for treatment according to this section, the treatment facility shall advise the person in writing of his right to be discharged upon request and shall provide him with a form which, when signed by him and submitted to a member of the staff of the treatment facility, shall entitle him to immediate discharge."

Sec. 2. G.S. 122-56 and all other laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. G.S. 122-57 is renumbered to be G.S. 122-59 and is hereby amended by deleting the words "to be an inebriate or mentally ill or threatened with mental illness" and inserting in lieu thereof the words "in need of treatment for mental illness" and by deleting the final sentence.

Sec. 4. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1973.