

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE DRH10032-LN-21 (2/10)

Short Title: Reports to Mental Health Oversight Comm. (Public)

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Sponsors: Representative Insko.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT CERTAIN REPORTS BE MADE TO THE JOINT  
LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH,  
DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 122C-5 reads as rewritten:

**"§ 122C-5. Report on restraint and seclusion.**

The Secretary shall report annually on October 1 to the ~~Legislative Study Commission on Mental Health, Developmental Disabilities, and Substance Abuse Services~~ Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services on the following for the immediately preceding fiscal year:

- (1) The level of compliance of each facility with applicable State and federal laws, rules, and regulations governing the use of restraints and seclusion. The information shall indicate areas of highest and lowest levels of compliance.
- (2) The total number of facilities that reported deaths under G.S. 122C-31, the number of deaths reported by each facility, the number of deaths investigated pursuant to G.S. 122C-31, and the number found by the investigation to be related to the use of restraint or seclusion."

**SECTION 2.** G.S. 131D-42 reads as rewritten:

**"§ 131D-42. Report on use of restraint.**

The Department shall report annually on October 1 to the ~~Legislative Study Commission~~ Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services the following for the immediately preceding fiscal year:

1           (1)    The level of compliance of each adult care home with applicable State  
2                    law and rules governing the use of physical restraint and physical hold  
3                    of residents. The information shall indicate areas of highest and lowest  
4                    levels of compliance.

5           (2)    The total number of adult care homes that reported deaths under G.S.  
6                    131D-34.1, the number of deaths reported by each facility, the number  
7                    of deaths investigated pursuant to G.S. 131D-34.1, and the number  
8                    found by the investigation to be related to the adult care home's use of  
9                    physical restraint or physical hold."

10           **SECTION 3.** G.S. 131D-10.6(10) reads as rewritten:

11   "**§ 131D-10.6. Powers and duties of the Department.**

12       In addition to other powers and duties prescribed by law, the Department shall  
13       exercise the following powers and duties:

14           ...

15           (10) Report annually on October 1 to the ~~Legislative Study Commission~~  
16                    Joint Legislative Oversight Committee on Mental Health,  
17                    Developmental Disabilities, and Substance Abuse Services the level of  
18                    facility compliance with applicable State law governing the use of  
19                    restraint and time-out in residential child-care facilities. The report  
20                    shall also include the total number of facilities that reported deaths  
21                    under this section, the number of deaths reported by each facility, the  
22                    number of deaths investigated pursuant to this section, and the number  
23                    found by the investigation to be related to the use of physical restraint  
24                    or time-out."

25           **SECTION 4.** This act is effective when it becomes law.