

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 80
Committee Substitute Favorable 3/12/03

Short Title: Reports to Mental Health Oversight Comm.

(Public)

Sponsors:

Referred to:

February 25, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT CERTAIN REPORTS BE MADE TO THE JOINT
3 LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH,
4 DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

5 The General Assembly of North Carolina enacts:

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

7 "§ 122C-5. Report on restraint and seclusion.

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

13 (1) The level of compliance of each facility with applicable State and
14 federal laws, rules, and regulations governing the use of restraints and
15 seclusion. The information shall indicate areas of highest and lowest
16 levels of compliance.

17 (2) The total number of facilities that reported deaths under G.S. 122C-31,
18 the number of deaths reported by each facility, the number of deaths
19 investigated pursuant to G.S. 122C-31, and the number found by the
20 investigation to be related to the use of restraint or seclusion."

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

22 "§ 131D-42. Report on use of restraint.

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

27 (1) The level of compliance of each adult care home with applicable State
28 law and rules governing the use of physical restraint and physical hold

1 of residents. The information shall indicate areas of highest and lowest
2 levels of compliance.

- 3 (2) The total number of adult care homes that reported deaths under G.S.
4 131D-34.1, the number of deaths reported by each facility, the number
5 of deaths investigated pursuant to G.S. 131D-34.1, and the number
6 found by the investigation to be related to the adult care home's use of
7 physical restraint or physical hold."

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

9 **"§ 131D-10.6. Powers and duties of the Department.**

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

12 ...

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

23 **SECTION 4.** Article 27 of Chapter 120 of the General Statutes is amended
24 by adding the following new section to read:

25 **"§ 120-243. Reports to Committee.**

26 Whenever the Department of Health and Human Services, Division of Mental
27 Health, Developmental Disabilities, and Substance Abuse Services, is required by law
28 to report to the General Assembly or to any of its permanent committees or
29 subcommittees on matters affecting mental health, developmental disabilities, and
30 substance abuse services, the Department shall transmit a copy of the report to the
31 cochairs of the Joint Legislative Oversight Committee on Mental Health,
32 Developmental Disabilities, and Substance Abuse Services."

33 **SECTION 5.** This act is effective when it becomes law.