GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 883 Committee Substitute Favorable 4/28/03

Sponsors:	
Referred to:	
	April 7, 2003
SERVICES T MENTAL H HEALTH RE The General Asse SECTI request of a phase G.S. 122C-261 t pertaining to initi individuals meeti as follows: (1)	A BILL TO BE ENTITLED AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN O TEMPORARILY WAIVE CERTAIN REQUIREMENTS OF THE EALTH COMMITMENT STATUTES TO FURTHER MENTAIN FORM EFFORTS. FON 1. The Secretary of Health and Human Services may, upon e-one local management entity, waive temporarily the requirements of through G.S. 122C-263 and G.S. 122C-281 through G.S. 122C-283 al (first-level) examinations by a physician or eligible psychologist of the criteria of G.S. 122C-261(a) or G.S. 122C-281(a), as applicable psychologist, a licensed clinical social worker, a masters level psychiatric nurse, or a masters level certified clinical addiction specialist to conduct the initial (first-level) examinations of individual meeting the criteria of G.S. 122C-261(a) or G.S. 122C-281(a). The waiver shall be implemented on a pilot-program basis. The request from the local management entity shall be submitted as part of the tentity's local business plan and shall specifically describe: a. How the purpose of the statutory requirement would be bette served by waiving the requirement and substituting the proposed change under the waiver. b. How the waiver will enable the local management entity to improve the delivery or management of mental health developmental disabilities, and substance abuse services. c. How the services to be provided by the licensed clinical social

worker, the masters level psychiatric nurse, or the masters level

1		certified clinical addictions specialist under the waiver are
2		within each of these professional's scope of practice.
3		d. How the health, safety, and welfare of individuals will continue
4		to be at least as well protected under the waiver as under the
5		statutory requirement.
6	(2)	The Secretary shall review the request and may approve it upon
7		finding that:
8		a. The request meets the requirements of this section.
9		b. The request furthers the purposes of State policy under G.S.
10		122C-2 and mental health, developmental disabilities, and
11		substance abuse services reform.
12		c. The request improves the delivery of mental health,
13		developmental disabilities, and substance abuse services in the
14		counties affected by the waiver and also protects the health,
15		safety, and welfare of individuals receiving these services.
16		d. The duties and responsibilities performed by the licensed
17		clinical social worker, the masters level psychiatric nurse, or the
18		masters level certified clinical addictions specialist are within
19		the individual's scope of practice.
20	(3)	The Secretary shall evaluate the effectiveness, quality, and efficiency
21	()	of mental health, developmental disabilities, and substance abuse
22		services and protection of health, safety, and welfare under the waiver.
23	(4)	The waiver granted by the Secretary under this section shall be in
24	()	effect for a period not to exceed three years, or the period for which
25		the requesting local management entity's business plan is approved,
26		whichever is shorter.
27	(5)	The Secretary may grant a waiver under this section only to one local
28	(- /	management entity located in the western part of the State that has
29		been designated a phase-one entity as of July 1, 2003.
30	(6)	In no event shall the substitution of a licensed clinical social worker,
31	(-)	masters level psychiatric nurse, or masters level certified clinical
32		addictions specialist under a waiver granted under this section be
33		construed as authorization to expand the scope of practice of the
34		licensed clinical social worker, the masters level psychiatric nurse, or
35		the masters level certified clinical addictions specialist.
36	(7)	The Department shall assure that staff performing the duties are
37	(,,	trained and privileged to perform the functions identified in the waiver.
38	(8)	The local management entity shall assure that a physician is available
39	(0)	at all times to provide backup services, and that a physician shall
40		provide telephonic approval and sign the chart within 72 hours after
41		the initial examination is conducted.
42	SEC	TION 2. This act becomes effective July 1, 2003, and expires July 1,
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