

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 2120\*  
Senate Health Care Committee Substitute Adopted 6/14/06

Short Title: Strengthen LOC Oversight Role.

(Public)

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Sponsors:

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Referred to:

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May 18, 2006

A BILL TO BE ENTITLED

1 AN ACT TO STRENGTHEN THE OVERSIGHT ROLE OF THE JOINT  
2 LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH,  
3 DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES;  
4 TO REPEAL THE LEGISLATIVE STUDY COMMISSION ON MENTAL  
5 HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE  
6 SERVICES; TO DIRECT THE OVERSIGHT COMMITTEE TO STUDY  
7 CERTAIN ISSUES; AND TO MAKE A RECOMMENDATION REGARDING  
8 INCREASING HEALTH CARE COVERAGE TO INCLUDE MENTAL HEALTH  
9 AND SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT  
10 LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH,  
11 DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.  
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13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** Article 27 of Chapter 120 of the General Statutes is amended  
15 by adding a new section to read:

16 **"§ 120-244. Committee authority.**

17 The Committee may obtain information and data from all State officers, agents,  
18 agencies, and departments, while in discharge of its duties, under G.S. 120-19, as if it  
19 were a committee of the General Assembly. The provisions of G.S. 120-19.1 through  
20 G.S. 120-19.4 shall apply to the proceedings of the Committee as if it were a committee  
21 of the General Assembly. Any cost of providing information to the Committee not  
22 covered by G.S. 120-19.3 may be reimbursed by the Committee from funds  
23 appropriated to it for its continuing study."

24 **SECTION 2.** Article 23 of Chapter 120 of the General Statutes is repealed.

25 **SECTION 3.** The Joint Legislative Oversight Committee on Mental Health,  
26 Developmental Disabilities, and Substance Abuse Services (LOC) shall study the  
27 following issues and report its findings and recommendations to the 2007 Regular  
28 Session of the 2007 General Assembly:

- 1 (1) Mechanisms to allow area authorities and county programs to purchase  
2 bed days from the State psychiatric hospitals. The LOC shall consider  
3 options for holding area authorities and county programs accountable  
4 for their use of State psychiatric institutions, provide incentives to  
5 increase community capacity, and options for ensuring the State  
6 institutions have a sufficient funding stream to ensure quality care to  
7 patients and a stable and well-qualified workforce.
- 8 (2) Whether implementation of a Medicaid 1915(b) waiver on a statewide  
9 or expanded local basis would strengthen the ability of area authorities  
10 and county programs to manage the mental health, developmental  
11 disabilities, and substance abuse system. As part of the study, the LOC  
12 shall examine the impact of the waiver on Piedmont Behavioral  
13 Health's ability to implement its management functions including  
14 utilization management for Medicaid services, consumer satisfaction,  
15 provider monitoring, use of best practices, and any other matters the  
16 LOC determines are relevant. If the LOC determines that a Medicaid  
17 1915(b) waiver would improve the management capacity of area  
18 authorities and county programs, it shall also examine whether it  
19 would be more appropriate to seek a statewide waiver or whether it  
20 would be both possible and advisable for additional area authorities  
21 and county programs to seek individual waivers.
- 22 (3) Whether G.S. 122C-147.1 should be amended to modify or repeal the  
23 provisions that place funds appropriated by the General Assembly into  
24 broad age and disability categories.

25 **SECTION 4.** The Joint Legislative Corrections, Crime Control and Juvenile  
26 Justice Oversight Committee and the Joint Legislative Oversight Committee on Mental  
27 Health, Developmental Disabilities, and Substance Abuse Services (LOC) shall study  
28 drug treatment courts in North Carolina. The study shall include the following issues in  
29 relation to drug treatment courts:

- 30 (1) Funding mechanisms;  
31 (2) Target populations;  
32 (3) Interagency collaboration at the State and local levels; and  
33 (4) Any other matter that the Commissions deem appropriate or necessary  
34 to provide proper information to the General Assembly on the subject  
35 of the study.

36 The Commissions may report their findings and recommendations to the 2007 Regular  
37 Session of the 2007 General Assembly.

38 **SECTION 5.** The act is effective when it becomes law.