

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1188

Short Title: Improve LME Accountability.-AB (Public)

Sponsors: Representatives Insko, Earle, M. Alexander, England (Primary Sponsors);
Brisson, Glazier, Hughes, Lucas, and Wainwright.

Referred to: Mental Health Reform, if favorable, State Government/State Personnel.

April 8, 2009

1 A BILL TO BE ENTITLED
2 AN ACT PERTAINING TO THE APPOINTMENT OF AREA AUTHORITY AND
3 COUNTY PROGRAM DIRECTORS AND MEMBERSHIP ON A LOCAL
4 MANAGEMENT ENTITY BOARD OF DIRECTORS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 122C-112.1(a) reads as rewritten:

7 "(a) The Secretary shall do all of the following:

8 ...

9 ~~(25) Adopt rules for determining minimally adequate services for purposes of~~
10 ~~G.S. 122C-124.1 and G.S. 122C-125.~~

11 ...

12 (35) Approve the selection of the Area Authority or County Program director."

13 **SECTION 2.** G.S. 122C-115.1(f) reads as rewritten:

14 "(f) In a single-county program, the program director shall be appointed by the county
15 ~~manager-manager~~, subject to approval by the Secretary. In a multicounty program, the program
16 director shall be appointed in accordance with the terms of the interlocal ~~agreement~~agreement,
17 subject to approval by the Secretary.

18 Except when specifically waived by the Secretary, the program director in a single county
19 program shall meet all the following minimum qualifications:

20 (1) Masters degree.

21 (2) Related experience.

22 (3) Management experience.

23 (4) Any other qualifications required under G.S. 122C-120.1."

24 **SECTION 3.** G.S. 122C-117(a)(7) reads as rewritten:

25 "(7) Appoint an area director in accordance with G.S. 122C-121(d). The
26 appointment is subject to the approval of the Secretary and the board of
27 county commissioners except that one or more boards of county
28 commissioners may waive its authority to approve the appointment. The
29 appointment shall be based on a selection by a search committee of the area
30 authority board. The search committee shall include consumer board
31 members, a county manager, and one or more county commissioners. The
32 Secretary shall have the option to appoint one member to the search
33 committee."

34 **SECTION 4.** G.S. 122C-118.1 reads as rewritten:

35 "§ 122C-118.1. Structure of area board.



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1 (a) An area board shall have no fewer than 11 and no more than 25 members. However,
2 the area board for a multicounty area authority consisting of eight or more counties may have
3 up to 30 members. The Governor shall appoint one-third of the members of the area board. In a
4 single-county area authority, the remaining members shall be appointed by the board of county
5 commissioners. Except as otherwise provided, in areas consisting of more than one county,
6 each board of county commissioners within the area shall appoint one commissioner as a
7 member of the area board. These members shall appoint the ~~other~~ remaining members. The
8 boards of county commissioners within the multicounty area shall have the option to appoint
9 the members of the area board in a manner other than as required under this section by adopting
10 a resolution to that effect. The boards of county commissioners in a multicounty area authority
11 shall indicate in the business plan each board's method of appointment of the area board
12 members in accordance with G.S. 122C-115.2(b). These appointments shall take into account
13 sufficient citizen participation, representation of the disability groups, and equitable
14 representation of participating counties. Individuals appointed to the board shall include two
15 individuals with financial expertise, an individual with expertise in management or business,
16 and an individual representing the interests of children. A member of the board may be
17 removed with or without cause by the initial appointing authority. Vacancies on the board shall
18 be filled by the initial appointing authority before the end of the term of the vacated seat or
19 within 90 days of the vacancy, whichever occurs first, and the appointments shall be for the
20 remainder of the unexpired term.

21 (b) Except as otherwise provided in this subsection, not more than fifty percent (50%)
22 of the members of the area board shall represent the following:

- 23 (1) A physician licensed under Chapter 90 of the General Statutes to practice
24 medicine in North Carolina who, when possible, is certified as having
25 completed a residency in psychiatry.
- 26 (2) A clinical professional from the fields of mental health, developmental
27 disabilities, or substance abuse.
- 28 (3) At least one family member or individual from a citizens' organization
29 composed primarily of consumers or their family members, representing the
30 interests of individuals:
 - 31 a. With mental illness;
 - 32 b. In recovery from addiction; or
 - 33 c. With developmental disabilities.
- 34 (4) At least one openly declared consumer:
 - 35 a. With mental illness;
 - 36 b. With developmental disabilities; or
 - 37 c. In recovery from addiction.

38 An individual that contracts with a local management entity (LME) for the delivery of
39 mental health, developmental disabilities, and substance abuse services may not serve on the
40 board of the LME for the period during which the contract for services is in effect.

41 (c) The Governor or the board of county commissioners may elect to appoint a member
42 of the area authority board to fill concurrently no more than two categories of membership if
43 the member has the qualifications or attributes of the two categories of membership.

44 (d) Any member of an area board who is a county commissioner serves on the board in
45 an ex officio capacity. The terms of county commissioners on an area board are concurrent with
46 their terms as county commissioners. The terms of the other members on the area board shall
47 be for three years, except that upon the initial formation of an area board one-third shall be
48 appointed for one year, one-third for two years, and all remaining members for three years.
49 Members shall not be appointed for more than two consecutive terms. Board members serving
50 as of July 1, 2006, may remain on the board for one additional term. As vacancies occur on

1 boards following July 1, 2008, the Governor shall make all appointments until the Governor's
2 appointees represent one-third of the board.

3 (e) Upon request, the board shall provide information pertaining to the membership of
4 the board that is a public record under Chapter 132 of the General Statutes."

5 **SECTION 5.** This act becomes effective July 1, 2009.