

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE DRS55568-MGz-111A* (5/1)

Short Title: Modify MHDDSAS Reporting Requirements.

(Public)

Sponsors: Senator Nesbitt.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY REPORTING REQUIREMENTS PERTAINING TO MENTAL
3 HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE
4 SERVICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT
5 COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND
6 SUBSTANCE ABUSE SERVICES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** Not later than January 1, 2011, the Department of Health and
9 Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse
10 Services shall provide a final report on community support services, to the Senate
11 Appropriations Committee on Health and Human Services, the House of Representatives
12 Appropriations Subcommittee on Health and Human Services, and the Joint Legislative
13 Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse
14 Services. The final report shall include a summary of the following information with respect to
15 former recipients of community support services:

- 16 (1) The number of individuals no longer receiving any services.
17 (2) The number of individuals transferred to other mental health services,
18 broken down by the specific type of service and the number of individuals
19 transferred to each service.
20 (3) The amount of any cost increase or cost savings resulting from the transfer
21 of those individuals to other mental health services.
22 (4) The status of any new service definitions developed in response to the
23 elimination of community support services.

24 **SECTION 1.(b)** By September 1, 2010, and annually thereafter, the Commission
25 on Mental Health, Developmental Disabilities, and Substance Abuse Services shall submit a
26 report summarizing all deaths, subject to the reporting requirements set forth in G.S. 122C-31
27 that occurred during the one-year period preceding the date of the report to the Joint Legislative
28 Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse
29 Services.

30 **SECTION 1.(c)** G.S. 143C-9-2(d) reads as rewritten:

31 "(d) Beginning ~~July 1, 2007~~, July 1, 2010, the Secretary of the Department of Health and
32 Human Services shall report annually to the Joint Legislative Oversight Committee on Mental
33 Health, Developmental Disabilities, and Substance Abuse Services and the Fiscal Research
34 Division on the expenditures made during the preceding fiscal year from the Trust Fund. The



1 report shall identify each expenditure by recipient and purpose and shall indicate the authority
2 under subsection (b) of this section for the expenditure."

3 **SECTION 1.(d)** Beginning January 1, 2011, and annually thereafter, the
4 Department of Health and Human Services, Division of Mental Health, Developmental
5 Disabilities, and Substance Abuse Services, shall report to the Senate Appropriations
6 Committee on Health and Human Services, the House of Representatives Appropriations
7 Subcommittee on Health and Human Services, the Joint Legislative Oversight Committee on
8 Mental Health, Developmental Disabilities, and Substance Abuse Services, and the Fiscal
9 Research Division on a strategic plan for organizing State and local resources to fund services
10 provided through local management entities. The report shall include criteria for the allocation
11 of funds, guidelines for utilization of funds, restrictions on use of funds, and a list of
12 expenditures.

13 **SECTION 1.(e)** G.S. 10.19A(c) of S.L. 2009-451 reads as rewritten:

14 "**SECTION 10.19A.(c)** The Department of Health and Human Services, Division of
15 Mental Health, Developmental Disabilities, and Substance Abuse Services, shall require
16 quarterly reporting from LMEs in the format required under subsection (a) of this section. The
17 Department of Health and Human Services shall report the results of the quarterly reports to the
18 Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and
19 Substance Abuse Services, the House of Representatives Appropriations Subcommittee on
20 Health and Human Services, the Senate Appropriations Committee on Health and Human
21 Services, and the Fiscal Research Division on or before ~~May 1, 2010~~ May 1, 2011, and
22 annually thereafter."

23 **SECTION 1.(f)** G.S. 10.65A(a) of S.L. 2009-451 reads as rewritten:

24 "**SECTION 10.65A.(a)** ~~For the purposes of improving efficiency in the expenditure of~~
25 ~~available funds and effectively identifying and meeting the needs of CAP-MR/DD eligible~~
26 ~~individuals, on or before April 1, 2010, the~~ By January 1, 2011, the Department of Health and
27 Human Services, Division of Medical Assistance, in conjunction with the Division of Mental
28 Health, Developmental Disabilities, and Substance Abuse Services, shall submit to the Joint
29 Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance
30 Abuse Services a ~~plan for status report on the implementation of Tiers 1 through 4 of~~ plan for
31 the CAP-MR/DD program. Tiered Waiver. The plan shall describe the implementation of each
32 of the Tiers 1 and 4 and the proposed implementation of Tiers 2 and 3, and revisions of Tier 4,
33 and shall include detail on each of the following:

- 34 (1) The array and intensity level of services that will be available under each of
35 the ~~four~~ Tiers.;
- 36 (2) The range of costs for the array and intensity level of services under each of
37 the ~~four~~ Tiers.;
- 38 (3) How the relative intensity of need for each current and future CAP-MR/DD
39 eligible individual will be reliably determined.;
- 40 (4) How the determination of intensity of need will be used to assign current and
41 future CAP-MR/DD eligible individuals appropriately into one of the ~~four~~
42 Tiers.
- 43 (5) The criteria for moving individuals from one Tier to another and any costs
44 associated with that movement.

45 ~~The Department may develop an application to the Centers for Medicare and~~
46 ~~Medicaid services for additional Medicaid waivers for Tiers 2 and 3 of the~~
47 ~~CAP-MR/DD program. The Department shall not submit the application until after~~
48 ~~it has submitted the plan required under this subdivision. Nothing in this subdivision~~
49 ~~obligates the General Assembly to appropriate additional funds for the~~
50 ~~CAP-MR/DD waiver."~~

51 **SECTION 1.(g)** G. S. 122C-102(c) reads as rewritten:

1 "(c) State Performance Measures. – The State Plan shall also include a mechanism for
2 measuring the State's progress towards increased performance on the following matters: access
3 to services, consumer-focused outcomes, individualized planning and supports, promotion of
4 best practices, quality management systems, system efficiency and effectiveness, ~~and~~
5 ~~prevention and early intervention. Beginning October 1, 2006, equitable allocation of resources,~~
6 ~~prevention and early intervention, statewide system of crisis response for adults and children,~~
7 ~~and management of the utilization of State facilities. Beginning January 1, 2011, and every six~~
8 months thereafter, the Secretary shall report to the General Assembly and the Joint Legislative
9 Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse
10 Services, on the State's progress in these performance areas."

11 **SECTION 2.** This act is effective when it becomes law.