

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 437*

Short Title: Enact First Evaluation Program. (Public)

Sponsors: Senator Hartsell.

Referred to: Health Care.

March 29, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO
3 ALLOW CERTAIN CERTIFIED PROVIDERS TO CONDUCT INITIAL
4 (FIRST-LEVEL) EXAMINATIONS FOR INVOLUNTARY COMMITMENT OF
5 INDIVIDUALS WITH MENTAL ILLNESS, IN A MANNER CONSISTENT WITH THE
6 FIRST EVALUATION PILOT PROGRAM.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Part 7 of Article 5 of Chapter 122C of the General Statutes is
9 amended by adding a new section to read:

10 "**§ 122C-263A. Secretary's authority to waive requirement of first examination by**
11 **physician or eligible psychologist; training of certified providers performing**
12 **first examinations.**

13 (a) The Secretary of Health and Human Services may, upon request of an LME, waive
14 the requirements of G.S. 122C-261 through G.S. 122C-263 and G.S. 122C-281 through
15 G.S. 122C-283 pertaining to initial (first-level) examinations by a physician or eligible
16 psychologist of individuals meeting the criteria of G.S. 122C-261(a) or G.S. 122C-281(a), as
17 applicable, as follows:

18 (1) The Secretary has received a request from an LME to substitute for a
19 physician or eligible psychologist, a licensed clinical social worker, a
20 master's level psychiatric nurse, or a master's level certified clinical
21 addictions specialist to conduct the initial (first-level) examinations of
22 individuals meeting the criteria of G.S. 122C-261(a) or G.S. 122C-281(a). In
23 making this type of request, the LME shall specifically describe all of the
24 following:

25 a. How the purpose of the statutory requirement would be better served
26 by waiving the requirement and substituting the proposed change
27 under the waiver.

28 b. How the waiver will enable the LME to improve the delivery or
29 management of mental health, developmental disabilities, and
30 substance abuse services.

31 c. How the health, safety, and welfare of individuals will continue to be
32 at least as well protected under the waiver as under the statutory
33 requirement.

34 (2) The Secretary shall review the request and may approve it upon finding all
35 of the following:

36 a. The request meets the requirements of this section.



- 1 b. The request furthers the purposes of State policy under G.S. 122C-2
2 and mental health, developmental disabilities, and substance abuse
3 services reform.
- 4 c. The request improves the delivery of mental health, developmental
5 disabilities, and substance abuse services in the counties affected by
6 the waiver and also protects the health, safety, and welfare of
7 individuals receiving these services.
- 8 (3) The Secretary shall evaluate the effectiveness, quality, and efficiency of
9 mental health, developmental disabilities, and substance abuse services and
10 protection of health, safety, and welfare under the waiver.
- 11 (4) A waiver granted by the Secretary under this section shall be in effect for a
12 period of three years.
- 13 (5) In no event shall the substitution of a licensed clinical social worker,
14 master's level psychiatric nurse, or master's level certified clinical addictions
15 specialist under a waiver granted under this section be construed as
16 authorization to expand the scope of practice of the licensed clinical social
17 worker, the master's level psychiatric nurse, or the master's level certified
18 clinical addictions specialist.
- 19 (6) The Department shall assure that staff performing the duties are trained and
20 privileged to perform the functions identified in the waiver.
- 21 (7) The LME shall assure that a physician is available at all times to provide
22 backup support to include telephone consultation and face-to-face
23 evaluation, if necessary.
- 24 (b) The Division of Mental Health, Developmental Disabilities, and Substance Abuse
25 Services shall expand its standardized certification training program to include refresher
26 training for all certified providers performing first examinations pursuant to subsection (a) of
27 this section."

28 **SECTION 2.** This act becomes effective October 1, 2011.