

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 513

Short Title: DD/Single Portal.

(Public)

Sponsors: Representatives Nye, Easterling; Dockham, Gardner, Justus, Nichols, and J. Preston.

Referred to: Health and Human Services.

March 24, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO MANDATE A SINGLE PORTAL OF ENTRY AND EXIT POLICY
3 FOR SERVICES FOR INDIVIDUALS WITH DEVELOPMENTAL
4 DISABILITIES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 122C-3(34) reads as rewritten:

7 "(34) 'Single portal of entry and exit policy' means an admission and
8 discharge policy for ~~State and area designated~~ facilities that ~~may be is~~
9 adopted by an area authority and shall be approved by the Secretary
10 before it is in force. The policy and its provisions shall be designed to
11 promote quality client care in and among ~~State and area designated~~
12 facilities. Furthermore, the policy shall be designed to integrate
13 otherwise independent facilities into a unified and coordinated system,
14 in which system the area authority shall be responsible for assuring
15 that the individual client can receive services from the facility that is
16 best able to meet his needs. However, the policy may not be
17 inconsistent with any other provisions of the General ~~Statutes, Statutes~~
18 or federal law, nor may the policy include the complete exclusion of
19 clients from admission to any specific ~~State or area~~ facility."

20 Sec. 2. G.S. 122C-101 reads as rewritten:

21 "**§ 122C-101. Policy.**

22 Within the public system of mental health, developmental disabilities, and substance
23 abuse services, there are both area and State facilities. An area authority is the locus of

1 coordination among public services for clients of its catchment area. To assure the most
2 appropriate and efficient care of clients within the publicly supported service system,
3 area authorities are encouraged to develop and secure approval for a single portal of
4 entry and exit policy for their catchment areas. Effective January 1, 1994, an area
5 authority shall develop and secure approval for a single portal of entry and exit policy
6 for services for individuals with developmental disabilities."

7 Sec. 3. (a) The catch line of G.S. 122C-132 reads as rewritten:

8 "**§ 122C-132. Single portal of entry and exit designation. ~~designation for mental~~**
9 **health and substance abuse facilities."**

10 (b) G.S. 122C-132 (a) reads as rewritten:

11 "(a) The public system should provide for a single portal of entry and exit ~~policy.~~
12 policy for State and area mental health and substance abuse facilities. In order to
13 accomplish this objective, an area authority desiring designation as a single portal area
14 shall present to the Secretary a single portal of entry and exit plan approved by the area
15 board. The decision as to whether to choose to submit a plan is in the discretion of the
16 area authority after weighing the policy goal stated in this subsection and in G.S. 122C-
17 101."

18 Sec. 4. Part 3 of Article 4 of Chapter 122C is amended by adding a new
19 section to read:

20 "**§ 122C-132.1. Single portal of entry and exit designation for services for**
21 **individuals with developmental disabilities.**

22 (a) The public system shall provide for a single portal of entry and exit policy for
23 services for individuals with developmental disabilities. An area authority shall present
24 to the Secretary a single portal of entry and exit plan for all services for individuals with
25 developmental disabilities that has been approved by the area board. Area authorities
26 are encouraged to use community interagency councils in the development and
27 implementation of single portal of entry and exit policies. For purposes of this section,
28 services for individuals with developmental disabilities shall include 24-hour and
29 day/night services for individuals with developmental disabilities operated under the
30 authority of this Chapter, domiciliary care homes for developmentally disabled adults
31 licensed under Chapter 131D of the General Statutes, developmental day centers for
32 children licensed under Article 7 of Chapter 110 of the General Statutes, services for
33 individuals with developmental disabilities subject to rules of the Division of
34 Vocational Rehabilitation Services, and specialized foster care homes for individuals
35 with developmental disabilities subject to rules of the Social Services Commission.

36 (b) In order for a single portal area to be designated, the single portal of entry and
37 exit plan shall be subject to approval by the Secretary. Once an area is designated by
38 the Secretary as a single portal area, any changes to the plan shall be subject to approval
39 by the Secretary. However, an approved plan and designation as a single portal area
40 shall remain in force pending approval of any changes.

41 (c) The plan shall include:

42 (1) A specific listing of services for individuals with developmental
43 disabilities to be covered by the single portal of entry and exit plan;

- 1 (2) Procedures for review of individuals to be admitted to or discharged
2 from services for individuals with developmental disabilities;
3 (3) Procedures for shared responsibility when individuals are admitted
4 directly to a State facility;
5 (4) Evidence of incorporation of these plans within the contracts between
6 the area authority and the State facilities as required by G.S. 122C-
7 143(c) and with other public and private agencies as required in G.S.
8 122C-141;
9 (5) Evidence of cooperative arrangements with services for individuals
10 with developmental disabilities not otherwise under contract with the
11 area authorities;
12 (6) Procedures for review of facility and citizen complaints;
13 (7) When applicable, provisions for the local education agencies to
14 purchase services in developmental day centers for children
15 determined appropriate by them; and
16 (8) When applicable, provisions for the local units of the Division of
17 Vocational Rehabilitation to purchase services in rehabilitation
18 facilities for individuals determined appropriate by them.
19 (d) Residents of a county in a designated single portal area shall be admitted to or
20 discharged from services for individuals with developmental disabilities as described in
21 the area's single portal of entry and exit policy."

22 Sec. 5. G.S. 143B-147(a) reads as rewritten:

23 "(a) There is hereby created the Commission for Mental Health,
24 Developmental Disabilities, and Substance Abuse Services of the Department of Human
25 Resources with the power and duty to adopt, amend and repeal rules to be followed in
26 the conduct of State and local mental health, developmental disabilities, alcohol and
27 drug abuse programs including education, prevention, intervention, treatment,
28 rehabilitation and other related services. Such rules shall be designed to promote the
29 amelioration or elimination of the mental health, developmental disabilities, or alcohol
30 and drug abuse problems of the citizens of this State. The Commission for Mental
31 Health, Developmental Disabilities, and Substance Abuse Services shall have the
32 authority:

- 33 (1) To adopt rules regarding the
34 a. Admission, including the designation of regions, treatment, and
35 professional care of individuals admitted to a facility operated
36 under the authority of G.S. 122C-181(a), that is now or may be
37 established;
38 b. Operation of education, prevention, intervention, treatment,
39 rehabilitation and other related services as provided by area
40 mental health, developmental disabilities, and substance abuse
41 authorities under Part 4 of Article 4 of Chapter 122C of the
42 General Statutes;

- 1 c. Hearings and appeals of area mental health, developmental
2 disabilities, and substance abuse authorities as provided for in
3 Part 4 of Article 4 of Chapter 122C of the General Statutes;
- 4 d. Requirements of the federal government for grants-in-aid for
5 mental health, developmental disabilities, alcohol or drug abuse
6 programs which may be made available to local programs or the
7 State. This section is to be liberally construed in order that the
8 State and its citizens may benefit from such grants-in-aid; and
- 9 e. Implementation of single portal of entry and exit policies as
10 defined in G.S. 122C-3(34);
- 11 (2) To adopt rules for the licensing of facilities for the mentally ill,
12 developmentally disabled, and substance abusers, under Article 2 of
13 Chapter 122C of the General Statutes.
- 14 (3) To advise the Secretary of the Department of Human Resources
15 regarding the need for, provision and coordination of education,
16 prevention, intervention, treatment, rehabilitation and other related
17 services in the areas of:
- 18 a. Mental illness and mental health,
19 b. Developmental disabilities,
20 c. Alcohol abuse, and
21 d. Drug abuse.
- 22 (4) To review and advise the Secretary of the Department of Human
23 Resources regarding all State plans required by federal or State law
24 and to recommend to the Secretary any changes it thinks necessary in
25 those plans; provided, however, for the purposes of meeting State plan
26 requirements under federal or State law, the Department of Human
27 Resources is designated as the single State agency responsible for
28 administration of plans involving mental health, developmental
29 disabilities, alcohol abuse, and drug abuse services;
- 30 (5) To adopt rules relating to the registration and control of the
31 manufacture, distribution, security, and dispensing of controlled
32 substances as provided by G.S. 90-100;
- 33 (6) To adopt rules to establish the professional requirements for staff of
34 licensed facilities for the mentally ill, developmentally disabled, and
35 substance abusers. Such rules may require that one or more, but not all
36 staff of a facility be either licensed or certified. If a facility has only
37 one professional staff, such rules may require that that individual be
38 licensed or certified. Such rules may include the recognition of
39 professional certification boards for those professions not licensed or
40 certified under other provisions of the General Statutes provided that
41 the professional certification board evaluates applicants on a basis
42 which protects the public health, safety or welfare;

- 1 (7) Except where rule making authority is assigned under that Article to
2 the Secretary of the Department of Human Resources, to adopt rules to
3 implement Article 3 of Chapter 122C of the General Statutes;
4 (8) To adopt rules specifying procedures for waiver of rules adopted by
5 the Commission."
6 Sec. 6. This act becomes effective January 1, 1994.