

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 396
HOUSE BILL 513

AN ACT TO MANDATE A SINGLE PORTAL OF ENTRY AND EXIT POLICY
FOR SERVICES FOR INDIVIDUALS WITH DEVELOPMENTAL
DISABILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122C-3 is amended by inserting a new subdivision to read:

"(11a) 'Day/night service' means a service provided on a regular basis, in a structured environment that is offered to the same individual for a period of three or more hours within a 24-hour period."

Sec. 2. G.S. 122C-3(34) reads as rewritten:

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

Sec. 3. G.S. 122C-101 reads as rewritten:

"§ 122C-101. Policy.

Within the public system of mental health, developmental disabilities, and substance abuse services, there are both area and State facilities. An area authority is the locus of coordination among public services for clients of its catchment area. To assure the most appropriate and efficient care of clients within the publicly supported service system, area authorities are encouraged to develop and secure approval for a single portal of entry and exit policy for their catchment ~~areas~~ areas for mental health and substance abuse authorities. Effective January 1, 1994, an area authority shall develop and secure approval for a single portal of entry and exit policy for public and private services for individuals with developmental disabilities."

Sec. 4. (a) The catch line of G.S. 122C-132 reads as rewritten:

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

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

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

Sec. 5. Part 3 of Article 4 of Chapter 122C is amended by adding a new section to read:

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

(a) The public system shall, in cooperation with private providers, provide for a single portal of entry and exit policy for services for individuals with developmental disabilities. An area authority shall present to the Secretary a single portal of entry and exit plan for services for individuals with developmental disabilities that has been approved by the area board. Area authorities are encouraged to use community interagency councils in the development and implementation of single portal of entry and exit policies. For purposes of this section, services for individuals with developmental disabilities shall include 24-hour and day/night services for individuals with developmental disabilities operated under the authority of this Chapter, Chapters 131D-2, Part A of Article 6 of Chapter 131E of the General Statutes, Article 7 of Chapter 110 of the General Statutes, rules of the Division of Vocational Rehabilitation Services, and rules of the Social Services Commission.

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

(c) The plan shall include:

- (1) A specific listing of services for individuals with developmental disabilities to be covered by the single portal of entry and exit plan;
- (2) Procedures for review of individuals to be admitted to or discharged from services for individuals with developmental disabilities;
- (3) Procedures for shared responsibility when individuals are admitted directly to a State facility;
- (4) Evidence of incorporation of these plans within the contracts between the area authority and the State facilities as required by G.S. 122C-143(c) and with other public and private agencies as required in G.S. 122C-141;

- (5) Evidence of cooperative arrangements with services for individuals with developmental disabilities not otherwise under contract with the area authorities;
- (6) Procedures for review of facility and citizen complaints;
- (7) Provisions for services funded jointly by area authorities and local education agencies; and
- (8) Provisions for services funded jointly by area authorities and the Division of Vocational Rehabilitation Services.

When the services described in subdivisions (7) and (8) of this subsection are not funded jointly, these services shall not be part of the plan prescribed in this subsection. The local education agencies and the Division of Vocational Rehabilitation Services upon receipt of a written request shall notify annually the appropriate area authority of the projected number of individuals with developmental disabilities needing day/night and 24-hour services who are not otherwise included in the plan."

Sec. 6. G.S. 143B-147(a) reads as rewritten:

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

- (1) To adopt rules regarding the
 - a. Admission, including the designation of regions, treatment, and professional care of individuals admitted to a facility operated under the authority of G.S. 122C-181(a), that is now or may be established;
 - b. Operation of education, prevention, intervention, treatment, rehabilitation and other related services as provided by area mental health, developmental disabilities, and substance abuse authorities under Part 4 of Article 4 of Chapter 122C of the General Statutes;
 - c. Hearings and appeals of area mental health, developmental disabilities, and substance abuse authorities as provided for in Part 4 of Article 4 of Chapter 122C of the General Statutes;
 - d. Requirements of the federal government for grants-in-aid for mental health, developmental disabilities, alcohol or drug abuse programs which may be made available to local programs or the State. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid; and
 - e. Implementation of single portal of entry and exit policies established pursuant to Chapter 122C of the General Statutes.

- (2) To adopt rules for the licensing of facilities for the mentally ill, developmentally disabled, and substance abusers, under Article 2 of Chapter 122C of the General Statutes.
- (3) To advise the Secretary of the Department of Human Resources regarding the need for, provision and coordination of education, prevention, intervention, treatment, rehabilitation and other related services in the areas of:
 - a. Mental illness and mental health,
 - b. Developmental disabilities,
 - c. Alcohol abuse, and
 - d. Drug abuse.
- (4) To review and advise the Secretary of the Department of Human Resources regarding all State plans required by federal or State law and to recommend to the Secretary any changes it thinks necessary in those plans; provided, however, for the purposes of meeting State plan requirements under federal or State law, the Department of Human Resources is designated as the single State agency responsible for administration of plans involving mental health, developmental disabilities, alcohol abuse, and drug abuse services;
- (5) To adopt rules relating to the registration and control of the manufacture, distribution, security, and dispensing of controlled substances as provided by G.S. 90-100;
- (6) To adopt rules to establish the professional requirements for staff of licensed facilities for the mentally ill, developmentally disabled, and substance abusers. Such rules may require that one or more, but not all staff of a facility be either licensed or certified. If a facility has only one professional staff, such rules may require that that individual be licensed or certified. Such rules may include the recognition of professional certification boards for those professions not licensed or certified under other provisions of the General Statutes provided that the professional certification board evaluates applicants on a basis which protects the public health, safety or welfare;
- (7) Except where rule making authority is assigned under that Article to the Secretary of the Department of Human Resources, to adopt rules to implement Article 3 of Chapter 122C of the General Statutes;
- (8) To adopt rules specifying procedures for waiver of rules adopted by the Commission."

Sec. 7. This act becomes effective January 1, 1994.

In the General Assembly read three times and ratified this the 19th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives