

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 673  
Committee Substitute Favorable 4/13/09  
Committee Substitute #2 Favorable 5/13/09

Short Title: Support for Developmental Disab. Services.

(Public)

Sponsors:

Referred to:

March 19, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,  
DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND  
SUBSTANCE ABUSE SERVICES, TO TAKE CERTAIN ACTIONS TO IMPROVE  
SUPPORTS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 122C-115.4(b) is amended by adding the following new  
subdivision to read:

"(b) The primary functions of an LME are designated in this subsection and shall not be  
conducted by any other entity unless an LME voluntarily enters into a contract with that entity  
under subsection (c) of this section. The primary functions include all of the following:

...

(8) Each LME shall develop a waiting list of persons with intellectual or  
developmental disabilities that are waiting for specific services. The LME  
shall develop the list in accordance with rules adopted by the Secretary to  
ensure that waiting list data are collected consistently across LMEs. Data  
collected should include numbers of persons that are:

a. Waiting for residential services.

b. Potentially eligible for CAP-MRDD.

c. In need of other services and supports funded from State  
appropriations to or allocations from the Division of Mental Health,  
Developmental Disabilities, and Substance Abuse Services, including  
CAP-MRDD.

The LME shall annually report the data maintained to the Department."

**SECTION 2.** G.S. 122C-112.1(a) is amended by adding the following new  
subdivisions to read:

"§ 122C-112.1. **Powers and duties of the Secretary.**

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

...

(35) Develop and adopt rules governing a statewide data system containing  
waiting list information obtained annually from each LME as required under  
G.S. 122C-115.4(b)(8). The rules adopted shall establish standardized  
criteria to be used by LMEs to ensure that the waiting list data are consistent  
across LMEs. The Department shall use data collected from LMEs under  
G.S. 122C-115.4(b)(8) for statewide planning and needs projects. The  
creation of the statewide waiting list data system does not create an



1 entitlement to services for individuals on the waiting list. The Department  
2 shall report annually to the Joint Legislative Oversight Committee on Mental  
3 Health, Developmental Disabilities, and Substance Abuse Services its  
4 recommendations based on data obtained annually from each LME. The  
5 report shall indicate the services that are most in need throughout the State,  
6 plans to address unmet needs, and any cost projects to provide needed  
7 services.

8 (36) The Department shall ensure that developmental disability services funded  
9 from appropriations to or allocations from the Division of Mental Health,  
10 Developmental Disabilities, and Substance Abuse Services, including  
11 CAP-MRDD are authorized on a quarterly, semiannually, or annual basis, in  
12 accordance with guidelines issued by the Department, unless a change in the  
13 individual's person-centered plan indicates a different authorization  
14 frequency.

15 (37) The Department shall develop new developmental disability service  
16 definitions for developmental disability services funded from appropriations  
17 to or allocations from the Division of Mental Health, Developmental  
18 Disabilities, and Substance Abuse Services, including CAP-MRDD that  
19 allow for person-centered and self-directed supports."

20 **SECTION 3.** This act becomes effective July 1, 2009.