

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 437\*  
Health Care Committee Substitute Adopted 4/14/11  
Third Edition Engrossed 4/19/11

Short Title: Enact First Evaluation Program.

(Public)

Sponsors:

Referred to:

March 29, 2011

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

(1) The Secretary has received a request from an LME to substitute for a physician or eligible psychologist, a licensed clinical social worker, a master's level psychiatric nurse, or a master's level certified clinical addictions specialist in accordance with subdivision (8) of this subsection to conduct the initial (first-level) examinations of individuals meeting the criteria of G.S. 122C-261(a) or G.S. 122C-281(a). In making this type of request, the LME shall specifically describe all of the following:

- a. How the purpose of the statutory requirement would be better served by waiving the requirement and substituting the proposed change under the waiver.
- b. How the waiver will enable the LME to improve the delivery or management of mental health, developmental disabilities, and substance abuse services.
- c. How the health, safety, and welfare of individuals will continue to be at least as well protected under the waiver as under the statutory requirement.

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



- 1           a.     The request meets the requirements of this section.  
2           b.     The request furthers the purposes of State policy under G.S. 122C-2  
3                 and mental health, developmental disabilities, and substance abuse  
4                 services reform.  
5           c.     The request improves the delivery of mental health, developmental  
6                 disabilities, and substance abuse services in the counties affected by  
7                 the waiver and also protects the health, safety, and welfare of  
8                 individuals receiving these services.  
9           (3)    The Secretary shall evaluate the effectiveness, quality, and efficiency of  
10                mental health, developmental disabilities, and substance abuse services and  
11                protection of health, safety, and welfare under the waiver.  
12           (4)    A waiver granted by the Secretary under this section shall be in effect for a  
13                period of three years.  
14           (5)    In no event shall the substitution of a licensed clinical social worker,  
15                master's level psychiatric nurse, or master's level certified clinical addictions  
16                specialist under a waiver granted under this section be construed as  
17                authorization to expand the scope of practice of the licensed clinical social  
18                worker, the master's level psychiatric nurse, the licensed professional  
19                counselor, or the master's level certified clinical addictions specialist.  
20           (6)    The Department shall assure that staff performing the duties have  
21                successfully completed the Department's standardized training program and  
22                examination and are properly trained and privileged to perform the functions  
23                identified in the waiver.  
24           (7)    The LME shall assure that a physician is available at all times to provide  
25                backup support to include telephone consultation and face-to-face  
26                evaluation, if necessary.  
27           (8)    A master's level certified clinical addiction specialist shall only be  
28                authorized to conduct the initial examination of individuals meeting the  
29                criteria of G.S. 122C-281(a).  
30           (b)    The Division of Mental Health, Developmental Disabilities, and Substance Abuse  
31                Services shall expand its standardized certification training program to include refresher  
32                training for all certified providers performing first examinations pursuant to subsection (a) of  
33                this section."

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