

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H

2

HOUSE BILL 543  
Committee Substitute Favorable 4/24/13

Short Title: MHDDSA Providers As Uncompensated Guardians.

(Public)

Sponsors:

Referred to:

April 4, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT ALLOWING PROVIDERS OF MENTAL HEALTH, DEVELOPMENTAL  
3 DISABILITIES, OR SUBSTANCE ABUSE SERVICES TO SERVE AS  
4 UNCOMPENSATED, COURT-APPOINTED GUARDIANS TO UNRELATED  
5 CLIENTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 35A-1213(f) reads as rewritten:

8 "(f) An individual who contracts with or is employed by an entity that contracts with a  
9 local management entity (LME) for the delivery of mental health, developmental disabilities,  
10 and substance abuse services may not serve as a guardian for a ward for whom the individual or  
11 entity is providing these services, unless the ~~individual~~ individual (i) is a parent of ~~that ward~~.  
12 ~~The prohibition provided in this subsection shall not apply to that ward,~~ (ii) is a member of the  
13 ward's immediate family who is under contract with a local management entity (LME) for the  
14 delivery of mental health, developmental disabilities, and substance abuse services and is  
15 serving as a guardian as of January 1, ~~2013-~~2013, or (iii) is not biologically related to the ward  
16 and was serving on March 1, 2013, as a guardian without compensation for guardianship  
17 services. For the purposes of this subsection, the term "immediate family" is defined as a  
18 spouse, child, sibling, parent, grandparent, or grandchild. The term also includes stepparents,  
19 stepchildren, stepsiblings, and adoptive relationships."

20 **SECTION 2.** The Joint Legislative Oversight Committee on Health and Human  
21 Services shall appoint a subcommittee to examine the impact of the 1915(b)/(c) Medicaid  
22 waiver and other mental health system reforms on public guardianship services, including  
23 guardianship roles, responsibilities and procedures, and the effect on existing relationships  
24 between guardians and wards. The subcommittee shall report its findings and recommendations  
25 to the Joint Legislative Oversight Committee on Health and Human Services on or before May  
26 9, 2014, at which time it shall terminate.

27 **SECTION 3.** This act is effective when it becomes law.

