

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH70285-LN-173 (03/26)

Short Title: Improve LME Accountability.-AB

(Public)

Sponsors: Representative Earle.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT PERTAINING TO THE APPOINTMENT OF AREA AUTHORITY AND  
3 COUNTY PROGRAM DIRECTORS AND MEMBERSHIP ON A LOCAL  
4 MANAGEMENT ENTITY BOARD OF DIRECTORS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 122C-112.1(a) reads as rewritten:

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

8 ...

9 ~~(25) Adopt rules for determining minimally adequate services for purposes of~~  
10 ~~G.S. 122C-124.1 and G.S. 122C-125.~~

11 ...

12 (35) Approve the selection of the Area Authority or County Program director."

13 **SECTION 2.** G.S. 122C-115.1(f) reads as rewritten:

14 "(f) In a single-county program, the program director shall be appointed by the county  
15 ~~manager-manager, subject to approval by the Secretary.~~ In a multicounty program, the program  
16 director shall be appointed in accordance with the terms of the interlocal ~~agreement-agreement,~~  
17 subject to approval by the Secretary.

18 Except when specifically waived by the Secretary, the program director in a single county  
19 program shall meet all the following minimum qualifications:

- 20 (1) Masters degree.  
21 (2) Related experience.  
22 (3) Management experience.  
23 (4) Any other qualifications required under G.S. 122C-120.1."

24 **SECTION 3.** G.S. 122C-117(a)(7) reads as rewritten:

25 "(7) Appoint an area director in accordance with G.S. 122C-121(d). The  
26 appointment is subject to the approval of the Secretary and the board of  
27 county commissioners except that one or more boards of county  
28 commissioners may waive its authority to approve the appointment. The  
29 appointment shall be based on a selection by a search committee of the area  
30 authority board. The search committee shall include consumer board  
31 members, a county manager, and one or more county commissioners. The  
32 Secretary shall have the option to appoint one member to the search  
33 committee."

34 **SECTION 4.** G.S. 122C-118.1 reads as rewritten:

35 "§ 122C-118.1. Structure of area board.



1 (a) An area board shall have no fewer than 11 and no more than 25 members. However,  
2 the area board for a multicounty area authority consisting of eight or more counties may have  
3 up to 30 members. The Governor shall appoint one-third of the members of the area board. In a  
4 single-county area authority, the remaining members shall be appointed by the board of county  
5 commissioners. Except as otherwise provided, in areas consisting of more than one county,  
6 each board of county commissioners within the area shall appoint one commissioner as a  
7 member of the area board. These members shall appoint the ~~other~~ remaining members. The  
8 boards of county commissioners within the multicounty area shall have the option to appoint  
9 the members of the area board in a manner other than as required under this section by adopting  
10 a resolution to that effect. The boards of county commissioners in a multicounty area authority  
11 shall indicate in the business plan each board's method of appointment of the area board  
12 members in accordance with G.S. 122C-115.2(b). These appointments shall take into account  
13 sufficient citizen participation, representation of the disability groups, and equitable  
14 representation of participating counties. Individuals appointed to the board shall include two  
15 individuals with financial expertise, an individual with expertise in management or business,  
16 and an individual representing the interests of children. A member of the board may be  
17 removed with or without cause by the initial appointing authority. Vacancies on the board shall  
18 be filled by the initial appointing authority before the end of the term of the vacated seat or  
19 within 90 days of the vacancy, whichever occurs first, and the appointments shall be for the  
20 remainder of the unexpired term.

21 (b) Except as otherwise provided in this subsection, not more than fifty percent (50%)  
22 of the members of the area board shall represent the following:

- 23 (1) A physician licensed under Chapter 90 of the General Statutes to practice  
24 medicine in North Carolina who, when possible, is certified as having  
25 completed a residency in psychiatry.
- 26 (2) A clinical professional from the fields of mental health, developmental  
27 disabilities, or substance abuse.
- 28 (3) At least one family member or individual from a citizens' organization  
29 composed primarily of consumers or their family members, representing the  
30 interests of individuals:
  - 31 a. With mental illness;
  - 32 b. In recovery from addiction; or
  - 33 c. With developmental disabilities.
- 34 (4) At least one openly declared consumer:
  - 35 a. With mental illness;
  - 36 b. With developmental disabilities; or
  - 37 c. In recovery from addiction.

38 An individual that contracts with a local management entity (LME) for the delivery of  
39 mental health, developmental disabilities, and substance abuse services may not serve on the  
40 board of the LME for the period during which the contract for services is in effect.

41 (c) The Governor or the board of county commissioners may elect to appoint a member  
42 of the area authority board to fill concurrently no more than two categories of membership if  
43 the member has the qualifications or attributes of the two categories of membership.

44 (d) Any member of an area board who is a county commissioner serves on the board in  
45 an ex officio capacity. The terms of county commissioners on an area board are concurrent with  
46 their terms as county commissioners. The terms of the other members on the area board shall  
47 be for three years, except that upon the initial formation of an area board one-third shall be  
48 appointed for one year, one-third for two years, and all remaining members for three years.  
49 Members shall not be appointed for more than two consecutive terms. Board members serving  
50 as of July 1, 2006, may remain on the board for one additional term. As vacancies occur on

1 boards following July 1, 2008, the Governor shall make all appointments until the Governor's  
2 appointees represent one-third of the board.

3 (e) Upon request, the board shall provide information pertaining to the membership of  
4 the board that is a public record under Chapter 132 of the General Statutes."

5 **SECTION 5.** This act becomes effective July 1, 2009.