

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 1084  
SENATE BILL 980

AN ACT TO REWRITE ARTICLE 4 OF CHAPTER 122 OF THE GENERAL STATUTES  
CONCERNING VOLUNTARY ADMISSIONS TO MENTAL HEALTH FACILITIES.

The General Assembly of North Carolina enacts:

**Section 1.** Article 4 of Chapter 122 of the General Statutes, as contained in the 1973 Cumulative Supplement to Chapter 122 of the General Statutes of North Carolina, is rewritten to read as follows:

"Article 4

"Voluntary Admission.

"§ 122-56.1. **Declaration of Policy.** — It is the policy of the State to encourage voluntary admissions to treatment facilities; and to assure that the admission of any person with mental illness to a treatment facility shall be implemented under conditions that protect the dignity and rights of the person.

"§ 122-56.2. **Definitions.** — (a) The words 'inebriety,' 'mental illness,' and 'qualified physician,' as used in this Article, have the same meaning as they are given in G.S. 122-36, subsections (c), (d), and (f), respectively.

(b) The words 'treatment facility,' as used in this Article, mean any hospital or institution operated by the State of North Carolina and designated for the admission of any person in need of care and treatment due to mental illness or inebriety, and any community mental health clinic or center operated in conjunction with the State.

"§ 122-56.3. **Procedure for voluntary admissions.** — Any person who believes himself to be in need of treatment for mental illness or inebriety may seek voluntary admission to a treatment facility by presenting himself for evaluation to the facility. No physician's statement is necessary, but a written application for evaluation or admission, signed by the person seeking admission, is required. The application shall acknowledge that the applicant may be held by the treatment facility for a period of 72 hours subsequent to any written request for release that he may make. At the time of application, the facility shall provide the applicant with the appropriate form for discharge. The application form shall be available at all times at all treatment facilities. However, no one shall be denied admission because application forms are not available. Any person voluntarily seeking admission to a treatment facility must be examined and evaluated by a qualified physician of the facility within 24 hours of presenting himself for admission. The evaluation shall determine whether the person is in need of treatment for mental illness or inebriety, or further psychiatric evaluation by the facility. If the evaluating physician or physicians determine that the person is not in need of treatment or further evaluation by the facility, or that the person will not be benefitted by the treatment available, the person shall not be accepted as a patient.

"§ 122-56.4. **Voluntary admission to Psychiatric Training and Research Center at North Carolina Memorial Hospital.** — Any person believing himself in need of treatment for mental illness or inebriety may voluntarily apply for admission to the Psychiatric Training and Research Center at the South Wing of the North Carolina Memorial Hospital in Chapel Hill in the same manner as he would apply for voluntary admission to any State hospital. Upon

approval of his application by the Director of the Inpatient Service, the applicant may be admitted.

**"§ 122-56.5. Representation of minors and persons adjudicated non compos mentis.** — In applying for admission to a treatment facility, in consenting to medical treatment when consent is required, in giving or receiving any legal notice, and in any other legal procedure under this Article, a parent, person standing in loco parentis, or guardian shall act for a minor, and a guardian or trustee shall act for a person adjudicated non compos mentis.

**"§ 122-56.6. Voluntary admission not admissible in involuntary proceeding.** — The fact that one has been voluntarily admitted for treatment shall not be competent evidence in an involuntary commitment proceeding."

**Sec. 2.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of April, 1974.