GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H HOUSE BILL 80

Short Title: Reports to Mental Health Oversight Comm. (Public)

Sponsors: Representative Insko.

Referred to: Health.

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February 25, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT CERTAIN REPORTS BE MADE TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 122C-5 reads as rewritten:

"§ 122C-5. Report on restraint and seclusion.

The Secretary shall report annually on October 1 to the Legislative Study Commission on Mental Health, Developmental Disabilities, and Substance Abuse Services Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services on the following for the immediately preceding fiscal year:

- (1) The level of compliance of each facility with applicable State and federal laws, rules, and regulations governing the use of restraints and seclusion. The information shall indicate areas of highest and lowest levels of compliance.
- (2) The total number of facilities that reported deaths under G.S. 122C-31, the number of deaths reported by each facility, the number of deaths investigated pursuant to G.S. 122C-31, and the number found by the investigation to be related to the use of restraint or seclusion."

SECTION 2. G.S. 131D-42 reads as rewritten:

"§ 131D-42. Report on use of restraint.

The Department shall report annually on October 1 to the Legislative Study Commission Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services the following for the immediately preceding fiscal year:

(1) The level of compliance of each adult care home with applicable State law and rules governing the use of physical restraint and physical hold

of residents. The information shall indicate areas of highest and lowest 1 2 levels of compliance. 3 (2) The total number of adult care homes that reported deaths under G.S. 131D-34.1, the number of deaths reported by each facility, the number 4 5 of deaths investigated pursuant to G.S. 131D-34.1, and the number 6 found by the investigation to be related to the adult care home's use of 7 physical restraint or physical hold." 8 **SECTION 3.** G.S. 131D-10.6(10) reads as rewritten: 9 "§ 131D-10.6. Powers and duties of the Department. 10 In addition to other powers and duties prescribed by law, the Department shall exercise the following powers and duties: 11 12 13 (10)Report annually on October 1 to the Legislative Study Commission 14 Joint Legislative Oversight Committee on Mental 15 Developmental Disabilities, and Substance Abuse Services the level of facility compliance with applicable State law governing the use of 16 17 restraint and time-out in residential child-care facilities. The report 18 shall also include the total number of facilities that reported deaths 19 under this section, the number of deaths reported by each facility, the 20 number of deaths investigated pursuant to this section, and the number 21 found by the investigation to be related to the use of physical restraint

or time-out."

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