GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 883 Committee Substitute Favorable 4/28/03 Committee Substitute #2 Favorable 4/29/03

Short Title: MH Reform Waiver.

Sponsors:

Referred to:

April 7, 2003

1	A BILL TO BE ENTITLED
2	AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN
3	SERVICES TO TEMPORARILY WAIVE CERTAIN REQUIREMENTS OF THE
4	MENTAL HEALTH COMMITMENT STATUTES TO FURTHER MENTAL
5	HEALTH REFORM EFFORTS.
6	The General Assembly of North Carolina enacts:
7	SECTION 1. The Secretary of Health and Human Services may, upon
8	request of a phase-one local management entity, waive temporarily the requirements of
9	G.S. 122C-261 through G.S. 122C-263 and G.S. 122C-281 through G.S. 122C-283
10	pertaining to initial (first-level) examinations by a physician or eligible psychologist of
11	individuals meeting the criteria of G.S. 122C-261(a) or G.S. 122C-281(a), as applicable,
12	as follows:
13	(1) The Secretary has received a request from a phase-one local
14	management entity to substitute for a physician or eligible
15	psychologist, a licensed clinical social worker, a masters level
16	psychiatric nurse, or a masters level certified clinical addictions
17	specialist to conduct the initial (first-level) examinations of individuals
18	meeting the criteria of G.S. 122C-261(a) or G.S. 122C-281(a). The
19	waiver shall be implemented on a pilot-program basis. The request
20	from the local management entity shall be submitted as part of the
21	entity's local business plan and shall specifically describe:
22	a. How the purpose of the statutory requirement would be better
23	served by waiving the requirement and substituting the
24	proposed change under the waiver.
25	b. How the waiver will enable the local management entity to
26	improve the delivery or management of mental health,
27	developmental disabilities, and substance abuse services.

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1 2 3 4			c. How the services to be provided by the licensed clinical social worker, the masters level psychiatric nurse, or the masters level certified clinical addictions specialist under the waiver are within each of these professional's scope of practice.
5 6			d. How the health, safety, and welfare of individuals will continue to be at least as well protected under the waiver as under the
7			statutory requirement.
8		(2)	The Secretary shall review the request and may approve it upon
9			finding that:
10			a. The request meets the requirements of this section.
11			b. The request furthers the purposes of State policy under G.S.
12			122C-2 and mental health, developmental disabilities, and
13			substance abuse services reform.
14 15			c. The request improves the delivery of mental health, developmental disabilities, and substance abuse services in the
16			counties affected by the waiver and also protects the health,
17			safety, and welfare of individuals receiving these services.
18			d. The duties and responsibilities performed by the licensed
19			clinical social worker, the masters level psychiatric nurse, or the
20			masters level certified clinical addictions specialist are within
21			the individual's scope of practice.
22		(3)	The Secretary shall evaluate the effectiveness, quality, and efficiency
23			of mental health, developmental disabilities, and substance abuse
24			services and protection of health, safety, and welfare under the waiver.
25		(4)	The waiver granted by the Secretary under this section shall be in
26			effect for a period not to exceed three years, or the period for which
27			the requesting local management entity's business plan is approved,
28			whichever is shorter.
29		(5)	The Secretary may grant a waiver under this section only to one local
30			management entity located in the western part of the State that has
31			been designated a phase-one entity as of July 1, 2003.
32		(6)	In no event shall the substitution of a licensed clinical social worker,
33			masters level psychiatric nurse, or masters level certified clinical
34			addictions specialist under a waiver granted under this section be
35			construed as authorization to expand the scope of practice of the
36			licensed clinical social worker, the masters level psychiatric nurse, or
37			the masters level certified clinical addictions specialist.
38		(7)	The Department shall assure that staff performing the duties are
39			trained and privileged to perform the functions identified in the waiver.
40		(8)	The local management entity shall assure that a physician is available
41			at all times to provide backup support to include telephone
42			consultation and face-to-face evaluation, if necessary.
43		SECT	TION 2. This act becomes effective July 1, 2003, and expires July 1,
44	2006.		