

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 413
Committee Substitute Favorable 3/29/95

Short Title: M.H. Facility Def. Change/AB.

(Public)

Sponsors:

Referred to:

March 9, 1995

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF "LICENSABLE FACILITY" IN THE MENTAL HEALTH LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122C-3(14) reads as rewritten:

"(14) 'Facility' means any person at one location whose primary purpose is to provide services for the care, treatment, habilitation, or rehabilitation of the mentally ill, the developmentally disabled, or substance abusers, and includes:

a. An 'area facility', which is a facility that is operated by or under contract with the area authority. A facility that is providing services under contract with the area authority is an area facility for purposes of the contracted services only. Area facilities may also be licensable facilities in accordance with Article 2 of this Chapter. A State facility is not an area facility;

b. A 'licensable facility', which is a facility that provides services for one or more minors or for two or more adults when 24-hour supervision is required or for two-five or more adults. When the services offered are provided to individuals who are mentally ill

1 or developmentally disabled, these services shall be day services
2 offered to the same individual for a period of three hours or more
3 during a 24-hour period, or residential services provided for 24
4 consecutive hours or more. When the services offered are
5 provided to individuals who are substance abusers, these services
6 shall include all outpatient services, day services offered to the
7 same individual for a period of three hours or more during a 24-
8 hour period, or residential services provided for 24 consecutive
9 hours or more. All nonhospital and social setting detoxification
10 facilities shall be required to be licensed. Facilities for
11 individuals who are substance abusers include chemical
12 dependency facilities;

- 13 c. A 'private facility', which is a facility that is either a licensable
14 facility or a special unit of a general hospital or a part of either in
15 which the specific service provided is not covered under the
16 terms of a contract with an area authority;
- 17 d. The psychiatric service of the University of North Carolina
18 Hospitals at Chapel Hill;
- 19 e. A 'residential facility', which is a 24-hour facility that is not a
20 hospital, including a group home;
- 21 f. A 'State facility', which is a facility that is operated by the
22 Secretary;
- 23 g. A '24-hour facility', which is a facility that provides a structured
24 living environment and services for a period of 24 consecutive
25 hours or more and includes hospitals that are facilities under this
26 Chapter; and
- 27 h. A Veterans Administration facility or part thereof that provides
28 services for the care, treatment, habilitation, or rehabilitation of
29 the mentally ill, the developmentally disabled, or substance
30 abusers."

31 Sec. 2. This act is effective upon ratification and applies to licensing
32 requirements on or after this date.