

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

2

HOUSE BILL 1515
Committee Substitute Favorable 6/12/02

Short Title: MH/DD/SA Commission Changes.

(Public)

Sponsors:

Referred to:

June 4, 2002

1 A BILL TO BE ENTITLED
2 AN ACT PERTAINING TO THE MEMBERSHIP OF THE COMMISSION FOR
3 MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE
4 ABUSE SERVICES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 143B-148, as amended by Section 1.21(b) of S.L.
7 2001-437, and by Section 90.5 of S.L. 2001-487, reads as rewritten:

8 "**§ 143B-148. Commission for Mental Health, Developmental Disabilities, and**
9 **Substance Abuse Services – members; selection; quorum; compensation.**

10 (a) The Commission for Mental Health, Developmental Disabilities, and
11 Substance Abuse Services of the Department of Health and Human Services shall
12 consist of ~~29 members~~:30 members, as follows:

- 13 (1) ~~Six of whom~~ shall be appointed by the General Assembly, three upon
14 the recommendation of the Speaker of the House of Representatives,
15 and three upon the recommendation of the President Pro Tempore of
16 the Senate in accordance with G.S. 120-121. ~~These members shall be~~
17 ~~individuals who are concerned about the needs of individuals for~~
18 ~~mental health, developmental disabilities, and substance abuse~~
19 ~~services. Members shall serve for two year terms beginning July 1 of~~
20 ~~odd numbered years. A member shall serve not more than three~~
21 ~~consecutive two year terms. In recommending appointments under this~~
22 ~~section, the Speaker of the House of Representatives and the President~~
23 ~~Pro Tempore of the Senate shall give consideration to ensuring a~~
24 ~~balance of appointments that represent those who may have knowledge~~
25 ~~and expertise in adult issues and those who may have knowledge and~~
26 ~~expertise in children's issues. Of the three appointments recommended~~
27 ~~by the President Pro Tempore of the Senate, one shall be a physician~~
28 ~~licensed to practice medicine in North Carolina, with preference given~~
29 ~~to a psychiatrist, and two shall be members of the public. Of the three~~

1 appointments recommended by the Speaker of the House of
2 Representatives, one shall be a physician licensed to practice medicine
3 in North Carolina who has expertise and experience in the field of
4 developmental disabilities, or a professional holding a Ph.D. with
5 experience in the field of developmental disabilities, and two shall be
6 members of the public. Vacancies in appointments made by the
7 General Assembly shall be filled in accordance with G.S. 120-
8 122;120-122.

- 9 (2) ~~Twenty three of whom Twenty-four~~ shall be appointed by the
10 Governor, one from each congressional district in the State in
11 accordance with G.S. 147-12(3)b, and the remainder at-large members.
- 12 a. ~~Of these 23 members, three shall have a special interest in~~
13 ~~mental health, three shall have a special interest in mental~~
14 ~~retardation, three shall have a special interest in developmental~~
15 ~~disabilities other than mental retardation, three shall have a~~
16 ~~special interest in alcohol abuse and alcoholism and three shall~~
17 ~~have a special interest in drug abuse. Each group of three shall~~
18 ~~be made up of one member who is a consumer representative;~~
19 ~~one other who is a representative of a local or State citizen~~
20 ~~organization or association; and one other who is a professional~~
21 ~~in the field.~~
- 22 b. ~~The remaining eight members shall be appointed from the~~
23 ~~general public, other citizen groups, area mental health,~~
24 ~~developmental disabilities, and substance abuse authorities, or~~
25 ~~from other related agencies.~~
- 26 c. ~~Of these 23 appointments, at least one shall be a licensed~~
27 ~~physician and at least one other shall be a licensed attorney.~~
- 28 d. ~~The terms of all Commission members appointed or~~
29 ~~reappointed by the Governor on or after July 1, 2002, shall be~~
30 ~~two years. All Commission members shall serve their~~
31 ~~designated terms and until their successors are duly appointed~~
32 ~~and qualified. All Commission members may succeed~~
33 ~~themselves. A member shall serve not more than three~~
34 ~~consecutive terms.~~

35 The Governor's appointees shall represent the following categories of
36 appointment:

- 37 a. Three professionals licensed or certified under Chapter 90 or
38 Chapter 90B of the General Statutes who are practicing,
39 teaching, or conducting research in the field of mental health.
- 40 b. Four consumers or immediate family members of consumers of
41 mental health services. Of these four, at least one shall be a
42 consumer and at least one shall be an immediate family member
43 of a consumer. No more than two of the consumers or

- 1 immediate family members shall be selected from nominations
2 submitted by the Coalition 2001 or its successor organization.
- 3 c. Two professionals licensed or certified under Chapter 90 or
4 Chapter 90B of the General Statutes who are practicing,
5 teaching, or conducting research in the field of developmental
6 disabilities, and one individual who is a 'qualified professional'
7 as that term is defined in G.S. 122C-3(31) who has experience
8 in the field of developmental disabilities.
- 9 d. Four consumers or immediate family members of consumers of
10 developmental disabilities services. Of these four, at least one
11 shall be a consumer and at least one shall be an immediate
12 family member of a consumer. No more than two of the
13 consumers or immediate family members shall be selected from
14 nominations submitted by the Coalition 2001 or its successor
15 organization.
- 16 e. Two professionals licensed or certified under Chapter 90 of the
17 General Statutes who are practicing, teaching, or conducting
18 research in the field of substance abuse, and one professional
19 who is a certified prevention specialist or who specializes in the
20 area of addiction education.
- 21 f. An individual knowledgeable and experienced in the field of
22 controlled substances regulation and enforcement. The
23 controlled substances appointee shall be selected from
24 recommendations made by the Attorney General of North
25 Carolina.
- 26 g. A physician licensed to practice medicine in North Carolina
27 who has expertise and experience in the field of substance
28 abuse with preference given to a physician that is certified by
29 the American Society of Addiction Medicine (ASAM).
- 30 h. Four consumers or immediate family members of consumers of
31 substance abuse services. Of these four, at least one shall be a
32 consumer and at least one shall be an immediate family member
33 of a consumer. No more than two of the consumers or
34 immediate family members shall be selected from nominations
35 submitted by the Coalition 2001 or its successor organization.
- 36 i. A licensed attorney.
37 The appointments of professionals licensed or certified under Chapter
38 90 or Chapter 90B of the General Statutes made in accordance with
39 this subdivision, and physicians appointed in accordance with
40 subdivision (1) of this subsection shall be selected from nominations
41 submitted to the appointing authority by the respective professional
42 associations.
- 43 (2a) The terms of all Commission members appointed or reappointed on or
44 after July 1, 2002, shall be three years. All Commission members shall

1 serve their designated terms and until their successors are duly
2 appointed and qualified. All Commission members may succeed
3 themselves. A member appointed on and after July 1, 2002, shall not
4 serve more than two consecutive terms.

5 (3) All appointments shall be made pursuant to current federal rules and
6 regulations, when not inconsistent with State law, which prescribe the
7 selection process and demographic characteristics as a necessary
8 condition to the receipt of federal aid.

9 (b) Except as otherwise provided in this section, the provisions of G.S. 143B-13
10 through 143B-20 relating to appointment, qualifications, terms and removal of members
11 shall apply to all members of the Commission for Mental Health, Developmental
12 Disabilities, and Substance Abuse Services.

13 (c) Commission members shall receive per diem, travel and subsistence
14 allowances in accordance with G.S. 138-5 and G.S. 138-6, as appropriate.

15 (d) A majority of the Commission shall constitute a quorum for the transaction of
16 business.

17 (e) All clerical and other services required by the Commission shall be supplied
18 by the Secretary of the Department of Health and Human Services. To ensure effective
19 and efficient coordination of rules and policies adopted by the Commission and the
20 Secretary, the Secretary shall assign an individual who is knowledgeable about and
21 experienced in the rule-making processes of the Commission and the Secretary and in
22 the fields of mental health, developmental disabilities, and substance abuse to assist the
23 Commission in carrying out its duties and responsibilities."

24 **SECTION 2.** This act is effective when it becomes law. Compliance with
25 the categories of appointment to the Commission under G.S. 143B-148(a), as amended
26 by this act, shall be phased-in as follows. Upon expiration of the term of an initial
27 appointment or reappointment made prior to July 1, 2002, the original appointing
28 authority shall appoint an individual who most closely represents the appointment
29 category delegated to that appointing authority under G.S. 143B-148(a), as amended by
30 this act.