

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 883

Short Title: MH Reform Waiver.

(Public)

Sponsors: Representative Insko.

Referred to: Health.

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 addiction
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.
- 28 c. How the services to be provided by the licensed clinical social
29 worker, the masters level psychiatric nurse, or the masters level

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

41 **SECTION 2.** This act becomes effective July 1, 2003, and expires July 1,

42 2006.