

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**HOUSE BILL 1522**

Short Title: Local Mgmt Entity/Board Membership. (Public)

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Sponsors: Representatives Insko; and Harrison.

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Referred to: Mental Health Reform.

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April 17, 2007

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A HEALTH CARE PROVIDER THAT CONTRACTS  
2 WITH A LOCAL MANAGEMENT ENTITY TO PROVIDE SERVICES MAY  
3 NOT BE APPOINTED TO OR SERVE ON THE LOCAL MANAGEMENT  
4 ENTITIES BOARD.  
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 122C-118.1 reads as rewritten:

8 **"§ 122C-118.1. Structure of area board.**

9 (a) An area board shall have no fewer than 11 and no more than 25 members.  
10 However, the area board for a multicounty area authority consisting of eight or more  
11 counties and serving a catchment area with a population of more than 500,000 may have  
12 up to 30 members. In a single-county area authority, the members shall be appointed by  
13 the board of county commissioners. Except as otherwise provided, in areas consisting of  
14 more than one county, each board of county commissioners within the area shall appoint  
15 one commissioner as a member of the area board. These members shall appoint the  
16 other members. The boards of county commissioners within the multicounty area shall  
17 have the option to appoint the members of the area board in a manner other than as  
18 required under this section by adopting a resolution to that effect. The boards of county  
19 commissioners in a multicounty area authority shall indicate in the business plan each  
20 board's method of appointment of the area board members in accordance with  
21 G.S. 122C-115.2(b). These appointments shall take into account sufficient citizen  
22 participation, representation of the disability groups, and equitable representation of  
23 participating counties. Individuals appointed to the board shall include two individuals  
24 with financial expertise, an individual with expertise in management or business, and an  
25 individual representing the interests of children. A member of the board may be  
26 removed with or without cause by the initial appointing authority. Vacancies on the  
27 board shall be filled by the initial appointing authority before the end of the term of the  
28 vacated seat or within 90 days of the vacancy, whichever occurs first, and the  
29 appointments shall be for the remainder of the unexpired term.

1 (b) ~~Not~~ Except as otherwise provided in this subsection, not more than fifty  
2 percent (50%) of the members of the area board shall represent the following:

3 (1) A physician licensed under Chapter 90 of the General Statutes to  
4 practice medicine in North Carolina who, when possible, is certified as  
5 having completed a residency in psychiatry.

6 (2) A clinical professional from the fields of mental health, developmental  
7 disabilities, or substance abuse.

8 (3) At least one family member or individual from a citizens' organization  
9 composed primarily of consumers or their family members,  
10 representing the interests of individuals:

11 a. With mental illness;

12 b. In recovery from addiction; or

13 c. With developmental disabilities.

14 (4) At least one openly declared consumer:

15 a. With mental illness;

16 b. With developmental disabilities; or

17 c. In recovery from addiction.

18 An individual that contracts with a local management entity (LME) for the delivery  
19 of mental health, developmental disabilities, and substance abuse services may not serve  
20 on the board of the LME for the period during which the contract for services is in  
21 effect.

22 (c) The board of county commissioners may elect to appoint a member of the  
23 area authority board to fill concurrently no more than two categories of membership if  
24 the member has the qualifications or attributes of the two categories of membership.

25 (d) Any member of an area board who is a county commissioner serves on the  
26 board in an ex officio capacity. The terms of county commissioners on an area board are  
27 concurrent with their terms as county commissioners. The terms of the other members  
28 on the area board shall be for three years, except that upon the initial formation of an  
29 area board one-third shall be appointed for one year, one-third for two years, and all  
30 remaining members for three years. Members shall not be appointed for more than two  
31 consecutive terms. Board members serving as of July 1, 2006, may remain on the board  
32 for one additional term.

33 (e) Upon request, the board shall provide information pertaining to the  
34 membership of the board that is a public record under Chapter 132 of the General  
35 Statutes."

36 **SECTION 2.** This act is effective when it becomes law.