

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

HOUSE DRH10740-LN-172 (03/26)

Short Title: DHHS/Tracking Outpatient Commitments.-AB

(Public)

Sponsors: Representative Earle.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING PHYSICIANS OR ELIGIBLE PSYCHOLOGISTS CONDUCTING
3 EXAMINATIONS TO INFORM THE LOCAL MANAGEMENT ENTITY THAT AN
4 INDIVIDUAL HAS BEEN SCHEDULED FOR AN APPOINTMENT WITH AN
5 OUTPATIENT TREATMENT PHYSICIAN OR CENTER.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 122C-261(d) reads as rewritten:

8 "(d) If the affiant is a physician or eligible psychologist, the affiant may execute the
9 affidavit before any official authorized to administer oaths. This affiant is not required to
10 appear before the clerk or magistrate for this purpose. This affiant shall file the affidavit with
11 the clerk or magistrate by delivering to the clerk or magistrate the original affidavit or a copy in
12 paper form that is printed through the facsimile transmission of the affidavit. If the affidavit is
13 filed through facsimile transmission, the affiant shall mail the original affidavit no later than
14 five days after the facsimile transmission of the affidavit to the clerk or magistrate to be filed
15 by the clerk or magistrate with the facsimile copy of the affidavit. This affiant's examination
16 shall comply with the requirements of the initial examination as provided in G.S. 122C-263(c).
17 If the physician or eligible psychologist recommends outpatient commitment and the clerk or
18 magistrate finds probable cause to believe that the respondent meets the criteria for outpatient
19 commitment, the clerk or magistrate shall issue an order that a hearing before a district court
20 judge be held to determine whether the respondent will be involuntarily committed. The
21 physician or eligible psychologist shall provide the respondent with written notice of any
22 scheduled appointment and the name, address, and telephone number of the proposed
23 outpatient treatment physician or center. The physician or eligible psychologist shall contact
24 the local management entity that serves the county where the respondent resides or the local
25 management entity that coordinated services for the respondent to inform the local management
26 entity that the respondent has been scheduled for an appointment with an outpatient treatment
27 physician or center. If the physician or eligible psychologist recommends inpatient commitment
28 and the clerk or magistrate finds probable cause to believe that the respondent meets the criteria
29 for inpatient commitment, the clerk or magistrate shall issue an order for transportation to or
30 custody at a 24-hour facility described in G.S. 122C-252. However, if the clerk or magistrate
31 finds probable cause to believe that the respondent, in addition to being mentally ill, is also
32 mentally retarded, the clerk or magistrate shall contact the area authority before issuing the
33 order and the area authority shall designate the facility to which the respondent is to be
34 transported. If a physician or eligible psychologist executes an affidavit for inpatient



1 commitment of a respondent, a second physician shall be required to perform the examination
2 required by G.S. 122C-266."

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