

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

3

HOUSE BILL 425
Committee Substitute Favorable 3/30/17
Third Edition Engrossed 4/6/17

Short Title: Improve Utilization of MH Professionals.

(Public)

Sponsors:

Referred to:

March 22, 2017

A BILL TO BE ENTITLED

AN ACT ALLOWING LICENSED CLINICAL ADDICTION SPECIALISTS TO FORM A PROFESSIONAL CORPORATION WITH A PHYSICIAN AND AUTHORIZING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ALLOW LICENSED PROFESSIONAL COUNSELORS AND LICENSED MARRIAGE AND FAMILY THERAPISTS TO CONDUCT INITIAL (FIRST-LEVEL) EXAMINATIONS FOR THE INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH A MENTAL ILLNESS OR SUBSTANCE USE DISORDER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 55B-14(c)(4) reads as rewritten:

"(4) A physician, a licensed psychologist, a licensed clinical social worker, or each of them and a certified clinical specialist in psychiatric and mental health nursing, a licensed marriage and family therapist, a licensed professional counselor, a licensed clinical addictions specialist, or each of them, to render psychotherapeutic and related services that the respective stockholders are licensed, certified, or otherwise approved to provide."

SECTION 2. G.S. 122C-263.1(a) reads as rewritten:

"(a) The Secretary of Health and Human Services may, upon request of an LME, waive the requirements of G.S. 122C-261 through G.S. 122C-263 and G.S. 122C-281 through G.S. 122C-283 pertaining to initial (first-level) examinations by a physician or eligible psychologist of individuals meeting the criteria of G.S. 122C-261(a) or G.S. 122C-281(a), as applicable, as follows:

(1) The Secretary has received a request from an LME to substitute for a physician or eligible psychologist, a licensed clinical social worker, a licensed professional counselor, a licensed marriage and family therapist, a master's level psychiatric nurse, or a master's level certified clinical addictions specialist in accordance with subdivision (8) of this subsection to conduct the initial (first-level) examinations of individuals meeting the criteria of G.S. 122C-261(a) or G.S. 122C-281(a). In making this type of request, the LME shall specifically describe all of the following:

a. How the purpose of the statutory requirement would be better served by waiving the requirement and substituting the proposed change under the waiver.



- 1 b. How the waiver will enable the LME to improve the delivery or
- 2 management of mental health, developmental disabilities, and
- 3 substance abuse services.
- 4 c. How the health, safety, and welfare of individuals will continue to be
- 5 at least as well protected under the waiver as under the statutory
- 6 requirement.
- 7 ...
- 8 (5) In no event shall the substitution of a licensed clinical social worker,
- 9 licensed professional counselor, a licensed marriage and family therapist,
- 10 master's level psychiatric nurse, or master's level certified clinical addictions
- 11 specialist under a waiver granted under this section be construed as
- 12 authorization to expand the scope of practice of the licensed clinical social
- 13 worker, the licensed professional counselor, the licensed marriage and
- 14 family therapist, the master's level psychiatric nurse, or the master's level
- 15 certified clinical addictions specialist.
- 16 ...
- 17 (8) A master's level certified clinical ~~addiction~~addictions specialist shall only be
- 18 authorized to conduct the initial examination of individuals meeting the
- 19 criteria of G.S. 122C-281(a).
- 20 (9) The professionals referenced in this subsection that are performing the
- 21 examination shall not be related by blood or marriage to the individuals
- 22 meeting the criteria for examination."
- 23 **SECTION 3.** This act becomes effective October 1, 2017.