

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH50492-LN-131 (3/13)

Short Title: Residential Treatment Facil./TBI.

(Public)

Sponsors: Representative Insko.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL  
3 DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES  
4 PROVIDING FOR THE LICENSURE AND ACCREDITATION OF RESIDENTIAL  
5 TREATMENT FACILITIES FOR PERSONS WITH TRAUMATIC BRAIN INJURY.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 122C-26 reads as rewritten:

8 "§ 122C-26. Powers of the Commission.

9 In addition to other powers and duties, the Commission shall exercise the following powers  
10 and duties:

- 11 (1) Adopt, amend, and repeal rules consistent with the laws of this State and the  
12 laws and regulations of the federal government to implement the provisions  
13 and purposes of this Article;  
14 (2) Issue declaratory rulings needed to implement the provisions and purposes  
15 of this Article;  
16 (3) Adopt rules governing appeals of decisions to approve or deny licensure  
17 under this Article;  
18 (4) Adopt rules for the waiver of rules adopted under this Article; and  
19 (5) Adopt rules applicable to facilities licensed under this Article:  
20 a. Establishing personnel requirements of staff employed in facilities;  
21 b. Establishing qualifications of facility administrators or directors;  
22 c. Establishing requirements for death reporting including  
23 confidentiality provisions related to death reporting;  
24 d. Establishing requirements for patient advocates; and  
25 e. Requiring facility personnel who refer clients to provider agencies to  
26 disclose any pecuniary interest the referring person has in the  
27 provider agency, or other interest that may give rise to the  
28 appearance of impropriety.

29 (6) Adopt rules providing for the licensure and accreditation of residential  
30 treatment facilities that provide services to persons with traumatic brain  
31 injury."

32 SECTION 2. This act is effective when it becomes law. The Commission may  
33 adopt temporary rules to carry out the provisions of this act.

