

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 673
Committee Substitute Favorable 4/13/09
Committee Substitute #2 Favorable 5/13/09
Senate Mental Health & Youth Services Committee Substitute Adopted 6/3/09

Short Title: Support for Developmental Disab. Services. (Public)

Sponsors:

Referred to:

March 19, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,
DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND
SUBSTANCE ABUSE SERVICES, TO TAKE CERTAIN ACTIONS TO IMPROVE
SUPPORTS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 122C-115.4(b) is amended by adding the following new
subdivision to read:

"(b) The primary functions of an LME are designated in this subsection and shall not be
conducted by any other entity unless an LME voluntarily enters into a contract with that entity
under subsection (c) of this section. The primary functions include all of the following:

...

(8) Each LME shall develop a waiting list of persons with intellectual or
developmental disabilities that are waiting for specific services. The LME
shall develop the list in accordance with rules adopted by the Secretary to
ensure that waiting list data are collected consistently across LMEs. Each
LME shall report this data annually to the Department. The data collected
should include numbers of persons who are:

a. Waiting for residential services.

b. Potentially eligible for CAP-MRDD.

c. In need of other services and supports funded from State
appropriations to or allocations from the Division of Mental Health,
Developmental Disabilities, and Substance Abuse Services, including
CAP-MRDD."

SECTION 2. G.S. 122C-112.1(a) is amended by adding the following new
subdivisions to read:

"§ 122C-112.1. Powers and duties of the Secretary.

(a) The Secretary shall do all of the following:

...

(35) Develop and adopt rules governing a statewide data system containing
waiting list information obtained annually from each LME as required under
G.S. 122C-115.4(b)(8). The rules adopted shall establish standardized
criteria to be used by LMEs to ensure that the waiting list data are consistent
across LMEs. The Department shall use data collected from LMEs under
G.S. 122C-115.4(b)(8) for statewide planning and needs projections. The



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1 creation of the statewide waiting list data system does not create an
2 entitlement to services for individuals on the waiting list. The Department
3 shall report annually to the Joint Legislative Oversight Committee on Mental
4 Health, Developmental Disabilities, and Substance Abuse Services its
5 recommendations based on data obtained annually from each LME. The
6 report shall indicate the services that are most needed throughout the State,
7 plans to address unmet needs, and any cost projections for providing needed
8 services.

9 (36) The Department shall ensure that developmental disability services funded
10 from State appropriations to or allocations from the Division of Mental
11 Health, Developmental Disabilities, and Substance Abuse Services,
12 including CAP-MRDD are authorized on a quarterly, semiannual, or annual
13 basis, in accordance with guidelines issued by the Department, unless a
14 change in the individual's person-centered plan indicates a different
15 authorization frequency.

16 (37) The Department shall develop new developmental disability service
17 definitions for developmental disability services funded from State
18 appropriations to or allocations from the Division of Mental Health,
19 Developmental Disabilities, and Substance Abuse Services, including
20 CAP-MRDD that allow for person-centered and self-directed supports."

21 **SECTION 3.** This act becomes effective July 1, 2009.