

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 1307\*

Short Title: Modify MHDDSAS Reporting Requirements. (Public)

Sponsors: Senators Nesbitt; and Atwater.

Referred to: Health Care.

May 20, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODIFY REPORTING REQUIREMENTS PERTAINING TO MENTAL  
3 HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE  
4 SERVICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT  
5 COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND  
6 SUBSTANCE ABUSE SERVICES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** Not later than January 1, 2011, the Department of Health and  
9 Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse  
10 Services shall provide a final report on community support services, to the Senate  
11 Appropriations Committee on Health and Human Services, the House of Representatives  
12 Appropriations Subcommittee on Health and Human Services, and the Joint Legislative  
13 Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse  
14 Services. The final report shall include a summary of the following information with respect to  
15 former recipients of community support services:

- 16 (1) The number of individuals no longer receiving any services.  
17 (2) The number of individuals transferred to other mental health services,  
18 broken down by the specific type of service and the number of individuals  
19 transferred to each service.  
20 (3) The amount of any cost increase or cost savings resulting from the transfer  
21 of those individuals to other mental health services.  
22 (4) The status of any new service definitions developed in response to the  
23 elimination of community support services.

24 **SECTION 1.(b)** By September 1, 2010, and annually thereafter, the Commission  
25 on Mental Health, Developmental Disabilities, and Substance Abuse Services shall submit a  
26 report summarizing all deaths, subject to the reporting requirements set forth in G.S. 122C-31  
27 that occurred during the one-year period preceding the date of the report to the Joint Legislative  
28 Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse  
29 Services.

30 **SECTION 1.(c)** G.S. 143C-9-2(d) reads as rewritten:

31 "(d) Beginning ~~July 1, 2007,~~ July 1, 2010, the Secretary of the Department of Health and  
32 Human Services shall report annually to the Joint Legislative Oversight Committee on Mental  
33 Health, Developmental Disabilities, and Substance Abuse Services and the Fiscal Research  
34 Division on the expenditures made during the preceding fiscal year from the Trust Fund. The  
35 report shall identify each expenditure by recipient and purpose and shall indicate the authority  
36 under subsection (b) of this section for the expenditure."



1           **SECTION 1.(d)** Beginning January 1, 2011, and annually thereafter, the  
2 Department of Health and Human Services, Division of Mental Health, Developmental  
3 Disabilities, and Substance Abuse Services, shall report to the Senate Appropriations  
4 Committee on Health and Human Services, the House of Representatives Appropriations  
5 Subcommittee on Health and Human Services, the Joint Legislative Oversight Committee on  
6 Mental Health, Developmental Disabilities, and Substance Abuse Services, and the Fiscal  
7 Research Division on a strategic plan for organizing State and local resources to fund services  
8 provided through local management entities. The report shall include criteria for the allocation  
9 of funds, guidelines for utilization of funds, restrictions on use of funds, and a list of  
10 expenditures.

11           **SECTION 1.(e)** G.S. 10.19A(c) of S.L. 2009-451 reads as rewritten:

12           **"SECTION 10.19A.(c)** The Department of Health and Human Services, Division of  
13 Mental Health, Developmental Disabilities, and Substance Abuse Services, shall require  
14 quarterly reporting from LMEs in the format required under subsection (a) of this section. The  
15 Department of Health and Human Services shall report the results of the quarterly reports to the  
16 Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and  
17 Substance Abuse Services, the House of Representatives Appropriations Subcommittee on  
18 Health and Human Services, the Senate Appropriations Committee on Health and Human  
19 Services, and the Fiscal Research Division on or before ~~May 1, 2010~~ May 1, 2011, and  
20 annually thereafter."

21           **SECTION 1.(f)** G.S. 10.65A(a) of S.L. 2009-451 reads as rewritten:

22           **"SECTION 10.65A.(a)** ~~For the purposes of improving efficiency in the expenditure of~~  
23 ~~available funds and effectively identifying and meeting the needs of CAP MR/DD eligible~~  
24 ~~individuals, on or before April 1, 2010, the~~ By January 1, 2011, the Department of Health and  
25 Human Services, Division of Medical Assistance, in conjunction with the Division of Mental  
26 Health, Developmental Disabilities, and Substance Abuse Services, shall submit to the Joint  
27 Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance  
28 Abuse Services a ~~plan for status report on the implementation of Tiers 1 through 4 of~~ plan for  
29 the CAP-MR/DD program. Tiered Waiver. The plan shall describe the implementation of each  
30 of the Tiers 1 and 4 and the proposed implementation of Tiers 2 and 3, and revisions of Tier 4,  
31 and shall include detail on each of the following:

- 32           (1) The array and intensity level of services that will be available under each of  
33 the ~~four~~ Tiers.;
- 34           (2) The range of costs for the array and intensity level of services under each of  
35 the ~~four~~ Tiers.;
- 36           (3) How the relative intensity of need for each current and future CAP-MR/DD  
37 eligible individual will be reliably determined.;
- 38           (4) How the determination of intensity of need will be used to assign current and  
39 future CAP-MR/DD eligible individuals appropriately into one of the ~~four~~  
40 Tiers.
- 41           (5) The criteria for moving individuals from one Tier to another and any costs  
42 associated with that movement.

43 ~~The Department may develop an application to the Centers for Medicare and~~  
44 ~~Medicaid services for additional Medicaid waivers for Tiers 2 and 3 of the~~  
45 ~~CAP-MR/DD program. The Department shall not submit the application until after~~  
46 ~~it has submitted the plan required under this subdivision. Nothing in this subdivision~~  
47 ~~obligates the General Assembly to appropriate additional funds for the~~  
48 ~~CAP-MR/DD waiver."~~

49           **SECTION 1.(g)** G. S. 122C-102(c) reads as rewritten:

50           "(c) State Performance Measures. – The State Plan shall also include a mechanism for  
51 measuring the State's progress towards increased performance on the following matters: access

1 to services, consumer-focused outcomes, individualized planning and supports, promotion of  
2 best practices, quality management systems, system efficiency and effectiveness, ~~and~~  
3 ~~prevention and early intervention. Beginning October 1, 2006,~~ equitable allocation of resources,  
4 prevention and early intervention, statewide system of crisis response for adults and children,  
5 and management of the utilization of State facilities. Beginning January 1, 2011, and every six  
6 months thereafter, the Secretary shall report to the General Assembly and the Joint Legislative  
7 Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse  
8 Services, on the State's progress in these performance areas."

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