

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40155-MG-71 (03/01)

Short Title: Improve Utilization of MH Professionals. (Public)

Sponsors: Representatives Dobson, Dollar, Murphy, and Earle (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING LICENSED CLINICAL ADDICTION SPECIALISTS TO FORM A
3 PROFESSIONAL CORPORATION WITH A PHYSICIAN AND AUTHORIZING THE
4 SECRETARY OF HEALTH AND HUMAN SERVICES TO ALLOW LICENSED
5 PROFESSIONAL COUNSELORS TO CONDUCT INITIAL (FIRST-LEVEL)
6 EXAMINATIONS FOR THE INVOLUNTARY COMMITMENT OF INDIVIDUALS
7 WITH A MENTAL ILLNESS OR SUBSTANCE USE DISORDER.

8 The General Assembly of North Carolina enacts:

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

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

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

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

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

- 30 a. How the purpose of the statutory requirement would be better served
31 by waiving the requirement and substituting the proposed change
32 under the waiver.
33 b. How the waiver will enable the LME to improve the delivery or
34 management of mental health, developmental disabilities, and
35 substance abuse services.



- 1 c. How the health, safety, and welfare of individuals will continue to be
- 2 at least as well protected under the waiver as under the statutory
- 3 requirement.
- 4 ...
- 5 (5) In no event shall the substitution of a licensed clinical social worker,
- 6 licensed professional counselor, master's level psychiatric nurse, or master's
- 7 level certified clinical addictions specialist under a waiver granted under this
- 8 section be construed as authorization to expand the scope of practice of the
- 9 licensed clinical social worker, the licensed professional counselor, the
- 10 master's level psychiatric nurse, or the master's level certified clinical
- 11 addictions specialist.
- 12"
- 13 **SECTION 3.** This act becomes effective October 1, 2017.