

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 425

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

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

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health

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 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 addiction 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 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.
- b. How the waiver will enable the LME to improve the delivery or management of mental health, developmental disabilities, and substance abuse services.



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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.