

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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SENATE BILL 641

Short Title: Remove MH/IDD/ODD Facilities from CON Review. (Public)

Sponsors: Senators Burgin, Krawiec, and Perry (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 7, 2021

A BILL TO BE ENTITLED

AN ACT ELIMINATING FROM CERTIFICATE OF NEED REVIEW PSYCHIATRIC HOSPITALS, INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES, AND OPIOID USE DISORDER TREATMENT CENTERS LOCATED IN TIER ONE AND TIER TWO COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 131E-176 reads as rewritten:

"§ 131E-176. Definitions.

The following definitions apply in this Article:

...

(5a) Chemical dependency treatment facility. – A public or private facility, or unit in a facility, which is engaged in providing 24-hour a day treatment for chemical dependency or a substance use disorder. This treatment may include detoxification, administration of a therapeutic regimen for the treatment of individuals with chemical dependence or substance use disorders, and related services. The facility or unit may be any of the following:

- a. A unit within a general hospital or an attached or freestanding unit of a general hospital licensed under Article 5 of this Chapter.
- b. A unit within a psychiatric hospital or an attached or freestanding unit of a psychiatric hospital licensed under Article 1A of former Chapter 122 of the General Statutes or Article 2 of Chapter 122C of the General Statutes.
- c. A freestanding facility specializing in treatment of individuals with chemical dependence or substance use disorders that is licensed under Article 1A of former Chapter 122 of the General Statutes or Article 2 of Chapter 122C of the General Statutes. The facility may be identified as "chemical dependency, substance abuse, alcoholism, or drug abuse treatment units," "residential chemical dependency, substance use disorder, alcoholism or drug abuse facilities," or by other names if the purpose is to provide treatment of individuals with chemical dependence or substance use disorders. The term, however, does not include social setting detoxification facilities, medical detoxification facilities, halfway houses, or recovery farms.

The term does not include an opioid use disorder treatment center located in a Tier 1 or Tier 2 county, as defined in G.S. 143B-472.35(a)(18).

...



- 1 (9b) Health service facility. – A hospital; long-term care hospital; ~~psychiatric~~
- 2 ~~facility~~; rehabilitation facility; nursing home facility; adult care home; kidney
- 3 disease treatment center, including freestanding hemodialysis units;
- 4 intermediate care facility for individuals with intellectual disabilities; home
- 5 health agency office; chemical dependency treatment facility; diagnostic
- 6 center; hospice office, hospice inpatient facility, hospice residential care
- 7 facility; and ambulatory surgical facility.
- 8 (9c) Health service facility bed. – A bed licensed for use in a health service facility
- 9 in the categories of (i) acute care beds; (ii) ~~psychiatric beds~~; ~~(iii)~~-rehabilitation
- 10 beds; ~~(iv)~~-~~(iii)~~ nursing home beds; ~~(v)~~-~~(iv)~~ intermediate care beds for
- 11 individuals with intellectual disabilities; ~~(vi)~~-~~(v)~~ chemical dependency
- 12 treatment beds; ~~(vii)~~-~~(vi)~~ hospice inpatient facility beds; ~~(viii)~~-~~(vii)~~ hospice
- 13 residential care facility beds; ~~(ix)~~-~~(viii)~~ adult care home beds; and ~~(x)~~-~~(ix)~~
- 14 long-term care hospital beds.
- 15 ...
- 16 ~~(14a) Intermediate care facility for individuals with intellectual disabilities.—~~
- 17 ~~Facilities licensed pursuant to Article 2 of Chapter 122C of the General~~
- 18 ~~Statutes for the purpose of providing health and habilitative services based on~~
- 19 ~~the developmental model and principles of normalization for individuals with~~
- 20 ~~intellectual disabilities, autism, cerebral palsy, epilepsy or related conditions.~~
- 21 ...
- 22 ~~(21) Psychiatric facility.—A public or private facility licensed pursuant to Article~~
- 23 ~~2 of Chapter 122C of the General Statutes and which is primarily engaged in~~
- 24 ~~providing to inpatients, by or under the supervision of a physician, psychiatric~~
- 25 ~~services for the diagnosis and treatment of individuals with mental illnesses.~~
- 26 "
- 27 **SECTION 2.** This act becomes effective October 1, 2021.