

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 307
SENATE BILL 333

AN ACT RELATING TO THE AUTHORITY OF THE GOVERNOR'S ADVOCACY
COUNCIL FOR PERSONS WITH DISABILITIES IN ORDER TO COMPLY
WITH CHANGES IN FEDERAL LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-403.1(1) is rewritten to read:

"(1) To provide for a statewide protection and advocacy program in accordance with the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. §6000, et seq. In accordance with this Act, the Council shall, among other things, investigate complaints made by or on behalf of incompetent developmentally disabled persons who reside in facilities for the developmentally disabled who have no legal guardian or whose guardian is the State or a State designee. Where such a complaint is made to the Council, the Council shall have access to the individual who is the subject of the complaint, and to the records of such individual; provided that an allegedly incompetent client who has no guardian who, in the opinion of the facility director, is competent shall have the opportunity prior to disclosure to deny access to his individual records by making a specific objection to disclosure to the Council. The Council shall keep client information confidential in accordance with 42 U.S.C. §6000 and implementing rules and regulations, including 45 C.F.R. Part 1386. The Council's authority under this subsection shall override any contrary provisions of State law and shall apply as long as the Council is designated by the Governor as the Protection and Advocacy Agency under 42 U.S.C. §6000."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1985.