

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 863
SENATE BILL 855

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE MENTAL HEALTH,
MENTAL RETARDATION, AND SUBSTANCE ABUSE ACT OF 1985, AND
CONFORMING CHANGES TO THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-571(4) is amended by deleting "G.S. 122-98.3", and substituting "G.S. 122C-421".

Sec. 2. G.S. 7A-647(2)c. is amended by adding the following immediately before the period at the end of the paragraph "unless prohibited by G.S. 122C-53(d)".

Sec. 3. G.S. 14-277(e) is amended by deleting "or Mental Health", and substituting "Area Mental Health, Mental Retardation, and Substance Abuse Authority,".

Sec. 4. G.S. 90-21.5(a) is amended in the second sentence by deleting "commitment to a mental institution or hospital for confinement or treatment of a mental condition", and substituting "or admission to a 24-hour facility licensed under Article 2 of Chapter 122C of the General Statutes except as provided in G.S. 122C-222".

Sec. 5. G.S. 105-164.14(c) is amended by deleting "area mental health boards (other than single-county boards) established pursuant to Article 2F of Chapter 122 of the General Statutes", and substituting "area mental health, mental retardation, and substance abuse authorities (other than single-county area authorities) established pursuant to Article 4 of Chapter 122C of the General Statutes".

Sec. 6. G.S. 108A-103(a) is amended by deleting "G.S. 122-8.1", and substituting "Article 3 of Chapter 122C of the General Statutes".

Sec. 7. G.S. 122C-3(20) is amended by deleting ", or an attorney-in-fact acting under a valid durable power of attorney that authorizes him to provide or consent to medical care and hospitalization for the principal".

Sec. 8. G.S. 122C-23(f) and G.S. 122C-24(a) are each amended by deleting "Chapter 150A", and substituting "Chapter 150B".

Sec. 9. G.S. 122C-24(b) is amended by deleting "G.S. 150A-34", and substituting "G.S. 150B-34".

Sec. 10. G.S. 122C-24(b) is further amended by deleting "G.S. 150A-36", and substituting "G.S. 150B-36".

Sec. 11. G.S. 122C-52(a) is amended by deleting "Confidential", and substituting "Except as provided in G.S. 132- 5, confidential".

Sec. 12. The language in G.S. 122C-205(a)(5) beginning with "escapes or breaches" is not a part of G.S. 122c-205(a)(5), but is recodified as the concluding part of G.S. 122C-205(a).

Sec. 13. G.S. 122C-205(b)(2) is amended by deleting "county of residence", and substituting "county of commitment".

Sec. 14. The language in G.S. 122C-205(b)(4) beginning with "of the escape or breach" is not a part of G.S. 122C- 205(b)(4), but is recodified as the concluding part of G.S. 122C- 205(b).

Sec. 15. G.S. 122C-206 is amended by adding a new subsection to read:

"(c1) If a client described in subsections (b) or (c) of this section is to be transferred from one 24-hour facility to another and transportation is needed, the responsible professional at the original facility shall notify the clerk of court, and the clerk of court shall issue a custody order for transportation of the client as provided by G.S. 122C-251."

Sec. 16. The first sentence of G.S. 122C-211(a) is amended by deleting "for the mentally ill or substance abusers".

Sec. 17. G.S. 122C-261(d) is amended by adding the following immediately after the third sentence: "If the physician or eligible psychologist recommends outpatient commitment and the clerk or magistrate finds probable cause to believe that the respondent meets the criteria for outpatient commitment, he shall issue an order that a hearing before a district court judge be held to determine whether the respondent will be involuntarily committed. If a physician or eligible psychologist recommends outpatient commitment, he shall provide the respondent with written notice of any scheduled appointment and the name, address, and telephone number of the proposed outpatient treatment physician or center."

Sec. 18. The last sentence of G.S. 122C-263(d)(2) is amended by inserting immediately after the word "Commission", the words "in accordance with G.S. 143B-157(a)(1)a".

Sec. 19. G.S. 122C-264(c) is amended by adding the following at the end: "G.S. 1A-1, Rule 6 shall not apply."

Sec. 20. G.S. 122C-271(a)(1) is amended by deleting "treatment in order", and substituting "treatment history, the respondent is in need of treatment in order".

Sec. 21. G.S. 122C-271(b)(2) is amended by deleting ", or a combination of inpatient and outpatient commitment at both a 24-hour facility and an outpatient treatment physician or center,".

Sec. 22. G.S. 122C-271(b)(2) is further amended by adding the following new language immediately after the second sentence: "An individual who is mentally ill and dangerous to himself or others may also be committed to a combination of inpatient and outpatient commitment at both a 24-hour facility and an outpatient treatment physician or center for a period not in excess of 90 days."

Sec. 23. The first sentence of G.S. 122C-273(a) is amended by deleting "physician may prescribe or administer", and substituting "physician may prescribe or administer, or the center may administer,", and is further amended by deleting "If" at the

beginning of the first sentence and substituting "Unless prohibited by Chapter 90 of the General Statutes, if".

Sec. 24. The first sentence of G.S. 122C-273(a)(1) is amended by deleting "physician or his designee", and substituting "physician, the physician's designee, or the center".

Sec. 25. The first sentence of G.S. 122C-273(a)(2) is amended by deleting "physician or his designee", and substituting "physician, the physician's designee, or the center".

Sec. 26. The last sentence of G.S. 122C-273(a)(2) is amended by deleting "physician determines", and substituting "physician or eligible psychologist determines".

Sec. 27. G.S. 122C-284(b) is amended by adding the following at the end: "G.S. 1A-1, Rule 6 shall not apply."

Sec. 28. The existing G. S. 122C-285 is designated as subsection (a) of that section, and a new subsection added to read:

"(b) If the 24-hour facility described in G.S. 122C-252 is the facility in which the first examination by a physician or eligible psychologist occurred and is the same facility in which the respondent is held, the second examination must occur not later than the following regular working day."

Sec. 29. G.S. 122C-286(e) is amended by deleting "an area facility or a private facility", and substituting "a facility".

Sec. 30. The first sentence of G.S. 122C-286(g) is rewritten to read:

"A copy of all documents admitted into evidence and a transcript of the proceedings shall be furnished to the respondent on request by the clerk upon the direction of a district court judge."

Sec. 31. Part 8 of Article 5 of Chapter 122C of the General Statutes is amended by adding a new section to read:

"§ 122C-286.1. Venue of district court hearing when respondent held at a 24-hour facility pending hearing.—(a) In all cases where the respondent is held at a 24-hour facility pending the district court hearing as provided in G.S. 122C-286, unless the respondent through counsel objects to the venue, the hearing shall be held in the county in which the facility is located. Upon objection to venue, the hearing shall be held in the county where the petition was initiated.

(b) An official of the facility shall immediately notify the clerk of superior court of the county in which the facility is located of a determination to hold the respondent pending hearing. That clerk shall request transmittal of all documents pertinent to the proceedings from the clerk of superior court where the proceedings were initiated. The requesting clerk shall assume all duties set forth in G.S. 122C-284. The requesting clerk shall appoint as counsel for indigent respondents the counsel provided for in G.S. 122C-286(d)."

Sec. 32. G.S. 122C-290(b) is amended by deleting "G.S. 122C-251 upon notice by the area authority", and substituting "G.S. 122C-251 upon notice to the clerk of court by the area authority".

Sec. 33. G.S. 143B-147(a)(1)a. is amended by deleting "any State facility as defined in G.S. 122C-3", and substituting "a facility operated under the authority of G.S. 122C-181(a)".

Sec. 34. This act shall become effective August 1, 1986.

In the General Assembly read three times and ratified, this the 1st day of July, 1986.