

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 358
HOUSE BILL 564

AN ACT TO AUTHORIZE RESEARCH INVOLVING VOLUNTARY CLIENTS AT
STATE FACILITIES FOR THE MENTALLY ILL.

The General Assembly of North Carolina enacts:

Section 1. Part I of Article 5 of Chapter 122C of the General Statutes is amended by adding a new section to read:

"§ 122C-210.2. **Research at State facilities for the mentally ill.**—(a) For research purposes, State facilities for the mentally ill may be designated by the Secretary as facilities for the voluntary admission of adults who are not admissible as clients otherwise. Designation of these facilities shall be made in accordance with rules of the Secretary that assure the protection of those admitted for research purposes.

(b) Individuals may be admitted to such designated facilities on either an outpatient or inpatient basis.

(c) The Human Rights Committee of the designated facility shall monitor the care of individuals admitted for research during their participation in any research program.

(d) For these individuals admitted to such designated facilities for research purposes only, the following provisions shall apply:

- (1) A written application for admission pursuant to G.S. 122C-211(a) and an examination by a physician within 24 hours of admission shall be provided to each of these individuals;
- (2) They shall be exempt from the provisions of G.S. 122C-57(a) governing the rights to treatment and to a treatment plan; the requirements of G.S. 122C-61(2) and G.S. 122C-212(b); and the requirements of any single portal of entry and exit plan; however, nothing in this section shall take away the individual's right to be informed of the potential risks and alleged benefits of their participation in any research program;
- (3) The Secretary shall exempt these individuals from the provisions of Article 7 of Chapter 143 of the General Statutes requiring payment for treatment in a State institution. The Secretary may also authorize reasonable compensation to be paid to individuals participating in research projects for their services; provided, that the compensation is paid from research grant funds; and
- (4) The Commission shall adopt rules regarding the admission, care and discharge of those individuals admitted for research purposes only."

Sec. 2. G.S. 143-118 is amended by adding a new subsection to read:

"(f) For any client admitted under Part 2 of Article 5 of G.S. 122C to a State facility for the mentally ill designated for research purposes in accordance with G.S. 122C-210.2, the Secretary may reduce the rates set by compromise in G.S. 143-118(e) by not more than one-half the amount of that rate."

Sec. 3. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 12th day of June, 1987.