

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 596  
SENATE BILL 841

AN ACT TO ADAPT THE MENTAL HEALTH ADMISSIONS LAW TO PERMIT  
EMERGENCY ADMISSIONS FOR PERSONS NEEDING IMMEDIATE  
HOSPITALIZATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122C-262 is rewritten to read:

"§ 122C-262. **Special emergency procedure for individuals needing immediate hospitalization.**—Anyone, including a law enforcement officer, who has knowledge of an individual who is subject to inpatient commitment according to the criteria of G.S. 122C-261(a) and who requires immediate hospitalization to prevent harm to himself or others, may transport the individual directly to an area facility or other place, including a State facility for the mentally ill, for examination by a physician or eligible psychologist, in accordance with G.S. 122C-263(a). If the individual meets the criteria required in G.S. 122C-261(a), the physician or eligible psychologist shall so certify in writing before any official authorized to administer oaths. The certificate shall also state the reason that the individual requires immediate hospitalization.

If the physician or eligible psychologist executes the oath, appearance before a magistrate shall be waived. The physician or eligible psychologist shall send a copy of the certificate to the clerk of superior court by the most reliable and expeditious means. If it cannot be reasonably anticipated that the clerk will receive the copy within 24 hours (excluding Saturday, Sunday and holidays) of the time that it was signed, the physician or eligible psychologist shall also communicate his findings to the clerk by telephone.

Anyone, including a law enforcement officer if necessary, may transport the individual to a 24-hour facility described in G.S. 122C-252 for examination and treatment pending a district court hearing. If there is no area 24-hour facility and if the respondent is indigent and unable to pay for his care at a private 24-hour facility, the law enforcement officer or other designated person providing transportation shall take the respondent to a State facility for the mentally ill designated by the Commission in accordance with G.S. 143B-147(a)(1)a and immediately notify the clerk of superior court of his actions. The physician's or eligible psychologist's certificate shall serve as the custody order and the law enforcement officer or other designated person shall provide transportation in accordance with the provisions of G.S. 122C-251.

Respondents received at a 24-hour facility under the provisions of this section shall be examined by a second physician in accordance with G.S. 122C-266. After receipt of notification that the District Court has determined reasonable grounds for the

commitment, further proceedings shall be carried out in the same way as all other respondents under this Part."

Sec. 2. G.S. 122C-264 is amended by adding a subsection to read:

"(b1) Upon receipt of a physician's or eligible psychologist's certificate that a respondent meets the criteria of G.S. 122C-261(a) and that immediate hospitalization is needed, the clerk of superior court of the county where the 24-hour facility is located shall submit the certificate to the Chief District Court Judge. The court shall review the certificate within 24 hours (excluding Saturday, Sunday and holidays) for a finding of reasonable grounds in accordance with 122C-261(b). The clerk shall notify the 24-hour facility of the court's findings by telephone and shall proceed as set forth in (b), (c) and (f) of this section."

Sec. 3. G.S. 122C-263(b)(3) is repealed.

Sec. 4. G.S. 122C-266(e) is amended by adding the following phrase immediately after the phrase "G.S. 122C-252": "or G.S. 122C-262".

Sec. 5. G.S. 15A-1003 is amended by deleting the phrase "or G.S. 122C-262".

Sec. 6. G.S. 15A-1321 is amended by deleting the phrase "or G.S. 122C-262".

Sec. 7. This act shall be effective October 1, 1987.

In the General Assembly read three times and ratified this the 10th day of July, 1987.