

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 638
SENATE BILL 585

AN ACT TO MAKE CERTAIN CHANGES IN MENTAL HEALTH, MENTAL
RETARDATION, AND SUBSTANCE CONFIDENTIALITY LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122C-54 is amended by adding a new subsection (a1) to read as follows:

"(a1) Upon a determination by the facility director or his designee that disclosure is in the best interests of the client, a facility may disclose confidential information for purposes of filing a petition for involuntary commitment of a client pursuant to Article 5 of this Chapter or for purposes of filing a petition for the adjudication of incompetency of the client and the appointment of a guardian or an interim guardian under Chapter 33 or 35 of the General Statutes."

Sec. 2. The first sentence of G.S. 122C-55(a) is rewritten to read as follows:

"Any area or State facility or the psychiatric service of North Carolina Memorial Hospital may share confidential information regarding any client of that facility with any other area or State facility or the psychiatric service of North Carolina Memorial Hospital upon a written determination by the responsible professional that such disclosure is necessary to coordinate appropriate and effective care, treatment or habilitation of the client and that failure to share this information would be detrimental to the care, treatment or habilitation of the client; provided however, confidential information may be shared without a written determination either between State facilities or between area facilities within the same catchment area."

Sec. 3. G.S. 122C-55 is amended by adding a new subsection (a1) to read as follows:

"(a1) Any State or area facility or the psychiatric service of North Carolina Memorial Hospital may share confidential information regarding any client of that facility with the Secretary, and the Secretary may share confidential information regarding any client with an area or State facility or the psychiatric service of North Carolina Memorial Hospital when the responsible professional or the Secretary determines that disclosure is necessary to coordinate appropriate and effective care, treatment or habilitation of the client and that failure to share this information would be detrimental to the care, treatment or habilitation of the client. Under the circumstances described in this subsection, the consent of the client or legally responsible person is not required for this information to be furnished, and the information may be furnished despite objection by the client."

Sec. 3.1. Effective October 1, 1987, G.S. 122C-54(a1) as enacted by Section 1 of this act is amended by deleting "Chapter 33 or 35", and substituting "Chapter 35A".

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 20th day of July, 1987.