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HOUSE BILL 513
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Short Title: DD/Single Portal.

(Public)

Sponsors:

Referred to: Health and Human Services.

March 24, 1993

A BILL TO BE ENTITLED

1 AN ACT TO MANDATE A SINGLE PORTAL OF ENTRY AND EXIT POLICY
2 FOR SERVICES FOR INDIVIDUALS WITH DEVELOPMENTAL
3 DISABILITIES.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 122C-3 is amended by inserting a new subdivision to read:

7 "(11a) 'Day/night service' means a service provided on a regular basis, in a
8 structured environment that is offered to the same individual for a
9 period of three or more hours within a 24-hour period.

10 Sec. 2. G.S. 122C-3(34) reads as rewritten:

11 "(34) 'Single portal of entry and exit policy' means an admission and
12 discharge policy for ~~State and area-designated~~ facilities that ~~may be is~~
13 adopted by an area authority and shall be approved by the Secretary
14 before it is in force. The policy and its provisions shall be designed to
15 promote quality client care in and among ~~State and area-designated~~
16 facilities. Furthermore, the policy shall be designed to integrate
17 otherwise independent facilities into a unified and coordinated system,
18 in which system the area authority shall be responsible for assuring
19 that the individual client can receive services from the facility that is
20 best able to meet his needs. However, the policy may not be
21 inconsistent with any other provisions of the General ~~Statutes, Statutes~~

1 or federal law, nor may the policy include the complete exclusion of
2 clients from admission to any specific State or area facility."

3 Sec. 3. G.S. 122C-101 reads as rewritten:

4 **"§ 122C-101. Policy.**

5 Within the public system of mental health, developmental disabilities, and substance
6 abuse services, there are both area and State facilities. An area authority is the locus of
7 coordination among public services for clients of its catchment area. To assure the most
8 appropriate and efficient care of clients within the publicly supported service system,
9 area authorities are encouraged to develop and secure approval for a single portal of
10 entry and exit policy for their catchment ~~areas~~ areas for mental health and substance
11 abuse authorities. Effective January 1, 1994, an area authority shall develop and secure
12 approval for a single portal of entry and exit policy for public and private services for
13 individuals with developmental disabilities."

14 Sec. 4. (a) The catch line of G.S. 122C-132 reads as rewritten:

15 **"§ 122C-132. Single portal of entry and exit ~~designation~~. designation for mental**
16 **health and substance abuse facilities."**

17 (b) G.S. 122C-132 (a) reads as rewritten:

18 "(a) The public system should provide for a single portal of entry and exit ~~policy~~.
19 policy for State and area mental health and substance abuse facilities. In order to
20 accomplish this objective, an area authority desiring designation as a single portal area
21 shall present to the Secretary a single portal of entry and exit plan approved by the area
22 board. The decision as to whether to choose to submit a plan is in the discretion of the
23 area authority after weighing the policy goal stated in this subsection and in G.S. 122C-
24 101."

25 Sec. 5. Part 3 of Article 4 of Chapter 122C is amended by adding a new
26 section to read:

27 **"§ 122C-132.1. Single portal of entry and exit designation for public and private**
28 **services for individuals with developmental disabilities.**

29 (a) The public system shall, in cooperation with private providers, provide for a
30 single portal of entry and exit policy for services for individuals with developmental
31 disabilities. An area authority shall present to the Secretary a single portal of entry and
32 exit plan for services for individuals with developmental disabilities that has been
33 approved by the area board. Area authorities are encouraged to use community
34 interagency councils in the development and implementation of single portal of entry
35 and exit policies. For purposes of this section, services for individuals with
36 developmental disabilities shall include 24-hour and day/night services for individuals
37 with developmental disabilities operated under the authority of this Chapter, Chapters
38 131D and 131E of the General Statutes, Article 7 of Chapter 110 of the General
39 Statutes, rules of the Division of Vocational Rehabilitation Services, and rules of the
40 Social Services Commission.

41 (b) In order for a single portal area to be designated, the single portal of entry and
42 exit plan shall be subject to approval by the Secretary. Once an area is designated by
43 the Secretary as a single portal area, any changes to the plan shall be subject to approval

1 by the Secretary. However, an approved plan and designation as a single portal area
2 shall remain in force pending approval of any changes.

3 (c) The plan shall include:

- 4 (1) A specific listing of services for individuals with developmental
5 disabilities to be covered by the single portal of entry and exit plan;
- 6 (2) Procedures for review of individuals to be admitted to or discharged
7 from services for individuals with developmental disabilities;
- 8 (3) Procedures for shared responsibility when individuals are admitted
9 directly to a State facility;
- 10 (4) Evidence of incorporation of these plans within the contracts between
11 the area authority and the State facilities as required by G.S. 122C-
12 143(c) and with other public and private agencies as required in G.S.
13 122C-141;
- 14 (5) Evidence of cooperative arrangements with services for individuals
15 with developmental disabilities not otherwise under contract with the
16 area authorities;
- 17 (6) Procedures for review of facility and citizen complaints;
- 18 (7) Provisions for the local education agencies to purchase services with
19 funds allocated by area authorities in developmental day centers; and
- 20 (8) Provisions for the local units of the Division of Vocational
21 Rehabilitation to purchase services with funds allocated by area
22 authorities in rehabilitation facilities.

23 When the services described in subdivisions (7) and (8) of this subsection are not
24 made available with funds allocated by area authorities, the provisions for these services
25 shall not be part of the plan prescribed in this subsection. The local units purchasing
26 these services shall notify the appropriate area authority of the provision of these other
27 services."

28 Sec. 6. G.S. 143B-147(a) reads as rewritten:

29 "(a) There is hereby created the Commission for Mental Health,
30 Developmental Disabilities, and Substance Abuse Services of the Department of Human
31 Resources with the power and duty to adopt, amend and repeal rules to be followed in
32 the conduct of State and local mental health, developmental disabilities, alcohol and
33 drug abuse programs including education, prevention, intervention, treatment,
34 rehabilitation and other related services. Such rules shall be designed to promote the
35 amelioration or elimination of the mental health, developmental disabilities, or alcohol
36 and drug abuse problems of the citizens of this State. The Commission for Mental
37 Health, Developmental Disabilities, and Substance Abuse Services shall have the
38 authority:

- 39 (1) To adopt rules regarding the
 - 40 a. Admission, including the designation of regions, treatment, and
41 professional care of individuals admitted to a facility operated
42 under the authority of G.S. 122C-181(a), that is now or may be
43 established;

- 1 b. Operation of education, prevention, intervention, treatment,
2 rehabilitation and other related services as provided by area
3 mental health, developmental disabilities, and substance abuse
4 authorities under Part 4 of Article 4 of Chapter 122C of the
5 General Statutes;
6 c. Hearings and appeals of area mental health, developmental
7 disabilities, and substance abuse authorities as provided for in
8 Part 4 of Article 4 of Chapter 122C of the General Statutes;
9 d. Requirements of the federal government for grants-in-aid for
10 mental health, developmental disabilities, alcohol or drug abuse
11 programs which may be made available to local programs or the
12 State. This section is to be liberally construed in order that the
13 State and its citizens may benefit from such grants-in-aid; and
14 e. Implementation of single portal of entry and exit policies
15 established pursuant to Chapter 122C of the General Statutes.
16 (2) To adopt rules for the licensing of facilities for the mentally ill,
17 developmentally disabled, and substance abusers, under Article 2 of
18 Chapter 122C of the General Statutes.
19 (3) To advise the Secretary of the Department of Human Resources
20 regarding the need for, provision and coordination of education,
21 prevention, intervention, treatment, rehabilitation and other related
22 services in the areas of:
23 a. Mental illness and mental health,
24 b. Developmental disabilities,
25 c. Alcohol abuse, and
26 d. Drug abuse.
27 (4) To review and advise the Secretary of the Department of Human
28 Resources regarding all State plans required by federal or State law
29 and to recommend to the Secretary any changes it thinks necessary in
30 those plans; provided, however, for the purposes of meeting State plan
31 requirements under federal or State law, the Department of Human
32 Resources is designated as the single State agency responsible for
33 administration of plans involving mental health, developmental
34 disabilities, alcohol abuse, and drug abuse services;
35 (5) To adopt rules relating to the registration and control of the
36 manufacture, distribution, security, and dispensing of controlled
37 substances as provided by G.S. 90-100;
38 (6) To adopt rules to establish the professional requirements for staff of
39 licensed facilities for the mentally ill, developmentally disabled, and
40 substance abusers. Such rules may require that one or more, but not all
41 staff of a facility be either licensed or certified. If a facility has only
42 one professional staff, such rules may require that that individual be
43 licensed or certified. Such rules may include the recognition of
44 professional certification boards for those professions not licensed or

- 1 certified under other provisions of the General Statutes provided that
2 the professional certification board evaluates applicants on a basis
3 which protects the public health, safety or welfare;
4 (7) Except where rule making authority is assigned under that Article to
5 the Secretary of the Department of Human Resources, to adopt rules to
6 implement Article 3 of Chapter 122C of the General Statutes;
7 (8) To adopt rules specifying procedures for waiver of rules adopted by
8 the Commission."
9 Sec. 7. This act becomes effective January 1, 1994.