

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 2083*
Committee Substitute Favorable 6/5/06

Short Title: Consumer and Family Advisory Committees.

(Public)

Sponsors:

Referred to:

May 18, 2006

A BILL TO BE ENTITLED

1 AN ACT TO CODIFY PORTIONS OF THE STATE PLAN FOR MENTAL HEALTH,
2 DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES
3 TO CREATE CONSUMER AND FAMILY ADVISORY COMMITTEES.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 4 of Chapter 122C is amended by adding a new Part to
7 read:

8 "Part 4A. Consumer and Family Advisory Committees.

9 **"§ 122C-170. Local Consumer and Family Advisory Committees.**

10 (a) Area authorities and county programs shall establish committees made up of
11 consumers and family members to be known as Consumer and Family Advisory
12 Committees (CFACs). A local CFAC shall be a self-governing and a self-directed
13 organization that advises the area authority or county program in its catchment area on
14 the planning and management of the local public mental health, developmental
15 disabilities, and substance abuse services system.

16 Each CFAC shall adopt bylaws to govern the selection and appointment of its
17 members, their terms of service, the number of members, and other procedural matters.
18 At the request of either the CFAC or the governing board of the area authority or county
19 program, the CFAC and the governing board shall execute an agreement that identifies
20 the roles and responsibilities of each party, channels of communication between the
21 parties, and a process for resolving disputes between the parties.

22 (b) Each of the disability groups shall be equally represented on the CFAC, and
23 the CFAC shall reflect as closely as possible the racial and ethnic composition of the
24 catchment area. The terms of members shall be three years, and no member may serve
25 more than two consecutive terms. The CFAC shall be composed exclusively of:

26 (1) Adult consumers of mental health, developmental disabilities, and
27 substance abuse services;

28 (2) Parents of consumers of mental health, developmental disabilities, and
29 substance abuse services; and

1 (c) The CFAC shall undertake all of the following:

- 2 (1) Review, comment on, and monitor the implementation of the local
3 business plan.
4 (2) Identify service gaps and underserved populations.
5 (3) Make recommendations regarding the service array and monitor the
6 development of additional services.
7 (4) Review and comment on the area authority or county program budget.
8 (5) Participate in all quality improvement measures and performance
9 indicators.
10 (6) Submit to the State Consumer and Family Advisory Committee
11 findings and recommendations regarding ways to improve the delivery
12 of mental health, developmental disabilities, and substance abuse
13 services.

14 (d) The director of the area authority or county program shall provide sufficient
15 staff to assist the CFAC in implementing its duties under subsection (c) of this section.
16 The assistance shall include data for the identification of service gaps and underserved
17 populations, training to review and comment on business plans and budgets, procedures
18 to allow participation in quality monitoring, and technical advice on rules of procedure
19 and applicable laws.

20 **"§ 122C-171. State Consumer and Family Advisory Committee.**

21 (a) There is established the State Consumer and Family Advisory Committee
22 (State CFAC). The State CFAC shall be a self-governing and self-directed organization
23 that advises the Department of Health and Human Services and the General Assembly
24 on the planning and management of the State's public mental health, developmental
25 disabilities, and substance abuse services system.

26 (b) The State CFAC shall be composed of 21 members. The members shall be
27 composed exclusively of adult consumers of mental health, developmental disabilities,
28 and substance abuse services; parents of consumers of mental health, developmental
29 disabilities, and substance abuse services. The terms of members shall be three years,
30 and no member may serve more than two consecutive terms. Vacancies shall be filled
31 by the appointing authority. The members shall be appointed as follows:

- 32 (1) Nine by the Secretary. The Secretary's appointments shall reflect each
33 of the disability groups. The terms shall be staggered so that terms of
34 three of the appointees expire each year.
35 (2) Three by the General Assembly upon the recommendations of the
36 President Pro Tempore of the Senate, one each of whom shall come
37 from the three State regions for institutional services (Eastern Region,
38 Central Region, and Western Region). The terms of the appointees
39 shall be staggered so that the term of one appointee expires every year.
40 (3) Three by the General Assembly upon the recommendations of the
41 Speaker of the House of Representatives, one each of whom shall
42 come from the three State regions for institutional services (Eastern
43 Region, Central Region, and Western Region). The terms of the

- 1 appointees shall be staggered so that the term of one appointee expires
2 every year.
- 3 (4) Three by the Council of Community Programs, one each of whom
4 shall come from the three State regions for institutional services
5 (Eastern Region, Central Region, and Western Region). The terms of
6 the appointees shall be staggered so that the term of one appointee
7 expires every year.
- 8 (5) Three by the North Carolina Association of County Commissioners,
9 one each of whom shall come from the three State regions for
10 institutional services (Eastern Region, Central Region, and Western
11 Region). The terms of the appointees shall be staggered so that the
12 term of one appointee expires every year.
- 13 (c) The State CFAC shall undertake all of the following:
- 14 (1) Review, comment on, and monitor the implementation of the State
15 Plan for Mental Health, Developmental Disabilities, and Substance
16 Abuse Services.
- 17 (2) Identify service gaps and underserved populations.
- 18 (3) Make recommendations regarding the service array and monitor the
19 development of additional services.
- 20 (4) Review and comment on the State budget for mental health,
21 developmental disabilities, and substance abuse services.
- 22 (5) Participate in all quality improvement measures and performance
23 indicators.
- 24 (6) Receive the findings and recommendations by local CFACs regarding
25 ways to improve the delivery of mental health, developmental
26 disabilities, and substance abuse services.
- 27 (7) Provide technical assistance to local CFACs in implementing their
28 duties.
- 29 (d) The Secretary shall provide sufficient staff to assist the State CFAC in
30 implementing its duties under subsection (c) of this section. The assistance shall include
31 data for the identification of service gaps and underserved populations, training to
32 review and comment on the State Plan and departmental budget, procedures to allow
33 participation in quality monitoring, and technical advice on rules of procedure and
34 applicable laws.
- 35 (e) State CFAC members shall receive the per diem and allowances prescribed
36 by G.S. 138-5 for State boards and commissions."

37 **SECTION 2.** The Advocacy and Customer Service Section of the Division
38 of Mental Health, Developmental Disabilities, and Substance Abuse Services is
39 transferred to the Office of the Secretary of the Department of Health and Human
40 Services. The transfer has the elements of a Type I transfer as defined in G.S. 143A-6.
41 In addition to its other responsibilities, the Advocacy and Customer Service Section
42 shall assume and carry out the requirements of the Consumer Advocacy Program
43 established under Article 1A of Chapter 122C of the General Statutes.

44 **SECTION 3.** This act is effective when it becomes law.