

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1529*

Short Title: Strengthen LOC Oversight Role. (Public)

Sponsors: Senators Nesbitt, Allran, Cowell, Dannelly, Forrester, Lucas, Malone, Purcell; Albertson, Atwater, Bland, Boseman, Hartsell, Jenkins, Shaw, and Snow.

Referred to: Health Care.

May 18, 2006

A BILL TO BE ENTITLED

1 AN ACT TO STRENGTHEN THE OVERSIGHT ROLE OF THE JOINT
2 LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH,
3 DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES;
4 TO REPEAL THE LEGISLATIVE STUDY COMMISSION ON MENTAL
5 HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE
6 SERVICES; TO DIRECT THE OVERSIGHT COMMITTEE TO STUDY
7 CERTAIN ISSUES; AND TO MAKE A RECOMMENDATION REGARDING
8 INCREASING HEALTH CARE COVERAGE TO INCLUDE MENTAL HEALTH
9 AND SUBSTANCE ABUSE SERVICES AS RECOMMENDED BY THE JOINT
10 LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH,
11 DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** Article 27 of Chapter 120 is amended by adding a new section
14 to read:

15 **"§ 120-244. Committee authority.**

16 The Committee may obtain information and data from all State officers, agents,
17 agencies, and departments, while in discharge of its duties, under G.S. 120-19, as if it
18 were a committee of the General Assembly. The provisions of G.S. 120-19.1 through
19 G.S. 120-19.4 shall apply to the proceedings of the Committee as if it were a committee
20 of the General Assembly. Any cost of providing information to the Committee not
21 covered by G.S. 120-19.3 may be reimbursed by the Committee from funds
22 appropriated to it for its continuing study."
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24 **SECTION 2.** Article 23 of Chapter 120 of the General Statutes is repealed.

25 **SECTION 3.** The Joint Legislative Oversight Committee on Mental Health,
26 Developmental Disabilities, and Substance Abuse Services (LOC) shall study the

1 following issues and report its findings and recommendations to the 2007 Regular
2 Session of the 2007 General Assembly:

3 (1) Mechanisms to allow area authorities and county programs to purchase
4 bed days from the State psychiatric hospitals. The LOC shall consider
5 options for holding area authorities and county programs accountable
6 for their use of State psychiatric institutions, provide incentives to
7 increase community capacity, and options for ensuring the State
8 institutions have a sufficient funding stream to ensure quality care to
9 patients and a stable and well-qualified workforce.

10 (2) Whether implementation of a Medicaid 1915(b) waiver on a statewide
11 or expanded local basis would strengthen the ability of area authorities
12 and county programs to manage the mental health, developmental
13 disabilities, and substance abuse system. As part of the study, the LOC
14 shall examine the impact of the waiver on Piedmont Behavioral
15 Health's ability to implement its management functions including
16 utilization management for Medicaid services, consumer satisfaction,
17 provider monitoring, use of best practices, and any other matters the
18 LOC determines are relevant. If the LOC determines that a Medicaid
19 1915(b) waiver would improve the management capacity of area
20 authorities and county programs, it shall also examine whether it
21 would be more appropriate to seek a statewide waiver or whether it
22 would be both possible and advisable for additional area authorities
23 and county programs to seek individual waivers.

24 (3) Whether G.S. 122C-147.1 should be amended to modify or repeal the
25 provisions that place funds appropriated by the General Assembly into
26 broad age and disability categories.

27 **SECTION 4.** This act is effective when it becomes law.