

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 1536*

Short Title: Consumer and Family Advisory Committees. (Public)

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

Referred to: Appropriations/Base Budget.

May 18, 2006

A BILL TO BE ENTITLED

AN ACT TO CODIFY PORTIONS OF THE STATE PLAN FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO CREATE CONSUMER AND FAMILY ADVISORY COMMITTEES, AND TO APPROPRIATE FUNDS TO IMPLEMENT THE MH/DD/SA CONSUMER ADVOCACY PROGRAM AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

The General Assembly of North Carolina enacts:

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

"Part 4A. Consumer and Family Advisory Committees.

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

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

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

(b) Each of the disability groups shall be equally represented on the CFAC, and the CFAC shall reflect as closely as possible the racial and ethnic composition of the

1 catchment area. The terms of members shall be three years, and no member may serve
2 more than two consecutive terms. The CFAC shall be composed exclusively of:

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

5 (2) Parents of minor children who are consumers of mental health,
6 developmental disabilities, and substance abuse services; and

7 (3) Parents of adult children who are severely developmentally disabled.

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

9 (1) Review, comment on, and monitor the implementation of the local
10 business plan.

11 (2) Identify service gaps and underserved populations.

12 (3) Make recommendations regarding the service array and monitor the
13 development of additional services.

14 (4) Review and comment on the area authority or county program budget.

15 (5) Participate in all quality improvement measures and performance
16 indicators.

17 (6) Submit to the State Consumer and Advisory Committee findings and
18 recommendations regarding ways to improve the delivery of mental
19 health, developmental disabilities, and substance abuse services.

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

26 **"§ 122C-171. State Consumer and Family Advisory Committee.**

27 (a) There is established the State Consumer and Advisory Committee (State
28 CAFC). The State CFAC shall be shall be a self-governing and self-directed
29 organization that advises the Department and the General Assembly on the planning and
30 management of the State's public mental health, developmental disabilities, and
31 substance abuse services system.

32 (b) The State CFAC shall be composed of 21 members. The members shall be
33 composed exclusively of adult consumers of mental health, developmental disabilities,
34 and substance abuse services; parents of minor children who are consumers of mental
35 health, developmental disabilities, and substance abuse services; and parents of adult
36 children who are severely developmentally disabled. The terms of members shall be
37 three years, and no member may serve more than two consecutive terms. Vacancies
38 shall be filled by the appointing authority. The members shall be appointed as follows:

39 (1) Nine by the Secretary. The Secretary's appointments shall reflect each
40 of the disability groups. The terms shall be staggered so that terms of
41 three of the appointees expire each year.

42 (2) Three by the General Assembly upon the recommendations of the
43 President Pro Tempore of the Senate, one each of whom shall come
44 from the three State regions for institutional services (Eastern Region,

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

43 **SECTION 2.** There is appropriated from the General Fund to the
44 Department of Health and Human Services the sum of one million two hundred

1 thousand dollars (\$1,200,000) for the 2006-2007 fiscal year to implement the
2 MH/DD/SA Consumer Advisory Program as provided in Article 1A of Chapter 122C of
3 the General Statues.

4 **SECTION 3.** This act becomes effective July 1, 2006.