

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 425
PROPOSED COMMITTEE SUBSTITUTE H425-PCS40312-SH-9

Short Title: Improve Utilization of MH Professionals.

(Public)

Sponsors:

Referred to:

March 22, 2017

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING LICENSED CLINICAL ADDICTION SPECIALISTS TO FORM A
3 PROFESSIONAL CORPORATION WITH A PHYSICIAN AND AUTHORIZING THE
4 SECRETARY OF HEALTH AND HUMAN SERVICES TO ALLOW LICENSED
5 PROFESSIONAL COUNSELORS AND LICENSED MARRIAGE AND FAMILY
6 THERAPISTS TO CONDUCT INITIAL (FIRST-LEVEL) EXAMINATIONS FOR THE
7 INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH A MENTAL ILLNESS OR
8 SUBSTANCE USE DISORDER.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. G.S. 55B-14(c)(4) reads as rewritten:

11 "(4) A physician, a licensed psychologist, a licensed clinical social worker, or
12 each of them and a certified clinical specialist in psychiatric and mental
13 health nursing, a licensed marriage and family therapist, a licensed
14 professional counselor, a licensed clinical addictions specialist, or each of
15 them, to render psychotherapeutic and related services that the respective
16 stockholders are licensed, certified, or otherwise approved to provide."

17 SECTION 2. G.S. 122C-263.1(a) reads as rewritten:

18 "(a) The Secretary of Health and Human Services may, upon request of an LME, waive
19 the requirements of G.S. 122C-261 through G.S. 122C-263 and G.S. 122C-281 through
20 G.S. 122C-283 pertaining to initial (first-level) examinations by a physician or eligible
21 psychologist of individuals meeting the criteria of G.S. 122C-261(a) or G.S. 122C-281(a), as
22 applicable, as follows:

23 (1) The Secretary has received a request from an LME to substitute for a
24 physician or eligible psychologist, a licensed clinical social worker, a
25 licensed professional counselor, a licensed marriage and family therapist, a
26 master's level psychiatric nurse, or a master's level certified clinical
27 addictions specialist in accordance with subdivision (8) of this subsection to
28 conduct the initial (first-level) examinations of individuals meeting the
29 criteria of G.S. 122C-261(a) or G.S. 122C-281(a). In making this type of
30 request, the LME shall specifically describe all of the following:

- 31 a. How the purpose of the statutory requirement would be better served
32 by waiving the requirement and substituting the proposed change
33 under the waiver.
34 b. How the waiver will enable the LME to improve the delivery or
35 management of mental health, developmental disabilities, and
36 substance abuse services.



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- 1 c. How the health, safety, and welfare of individuals will continue to be
- 2 at least as well protected under the waiver as under the statutory
- 3 requirement.
- 4 ...
- 5 (5) In no event shall the substitution of a licensed clinical social worker,
- 6 licensed professional counselor, a licensed marriage and family therapist,
- 7 master's level psychiatric nurse, or master's level certified clinical addictions
- 8 specialist under a waiver granted under this section be construed as
- 9 authorization to expand the scope of practice of the licensed clinical social
- 10 worker, the licensed professional counselor, the licensed marriage and
- 11 family therapist, the master's level psychiatric nurse, or the master's level
- 12 certified clinical addictions specialist.
- 13 ...
- 14 (8) A master's level certified clinical ~~addiction~~-addictions specialist shall only be
- 15 authorized to conduct the initial examination of individuals meeting the
- 16 criteria of G.S. 122C-281(a)."
- 17 **SECTION 3.** This act becomes effective October 1, 2017.