

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 511
HOUSE BILL 253

1 AN ACT TO AMEND CHAPTER 122 OF THE GENERAL STATUTES RELATING TO
2 HOSPITALIZATION OF THE MENTALLY DISORDERED.

3
4 The General Assembly of North Carolina do enact:

5
6 **Section 1.** G.S. 122-24 is hereby amended by inserting immediately following the
7 word "superintendent" and immediately preceding the word "of" in line 2 thereof, the
8 following:

9 "or any staff member under the supervision and direction of the director or superintendent."

10 **Sec. 2.** G.S. 122-43 is hereby amended by inserting immediately following the
11 word "physicians" and immediately preceding the word "duly" in line 5 thereof, the
12 punctuation and words ", not related by blood or marriage to the alleged mentally disordered
13 person,".

14 **Sec. 3.** G.S. 122-46 as the same appears in the 1959 Cumulative Supplement to
15 Volume 3B of the General Statutes is hereby amended by inserting immediately following the
16 word "condition" and immediately preceding the word "for" in line 10 of the first paragraph
17 thereof, the words:

18 "and give appropriate treatment."

19 **Sec. 4.** G.S. 122-46 is hereby amended by inserting immediately following the
20 word "observation" and immediately preceding the comma in the second line of the third
21 paragraph thereof, the words "and treatment".

22 **Sec. 5.** G.S. 122-46.1 is hereby rewritten to read as follows:

23 "**§ 122-46.1. Clerk may make final commitment to hospital.** When such alleged mentally
24 disordered person is committed to a State hospital for observation and treatment, the hospital
25 authorities shall, at the expiration of 60 days, file with the Clerk of the Superior Court of the
26 county in which the alleged mentally disordered person resided, if known, if not known, with
27 the Clerk of the Superior Court who committed such alleged mentally disordered person for
28 observation and treatment a written report stating the conclusion reached by the hospital
29 authorities as to the mental condition of the alleged mentally disordered person. Upon the basis
30 of this report, the Clerk of the Superior Court of the county in which the alleged mentally
31 disordered person resided, or if such alleged mentally disordered person's residence is not
32 known, the Clerk of the Superior Court who committed him for observation and treatment is
33 authorized to order said person discharged or to order him to remain at the hospital as a patient,
34 as the facts may warrant. Any person who has been committed to any State hospital as mentally
35 disordered as provided by law shall be and remain a charge of such State hospital until he has
36 been discharged from said hospital or declared competent as otherwise provided by law.

37 "At the end of the 60-day observation and treatment period the superintendent of the State
38 hospital in which the alleged mentally disordered person has been confined for a 60-day period
39 of observation and treatment may signify in writing to the clerk of the court of the county in
40 which the alleged mentally disordered person is settled that his observation of the alleged
41 mentally disordered person has not been completed and that a second period of observation and
42 treatment of the alleged mentally disordered person is requested. This second period of
43 observation and treatment shall not exceed four months. Whereupon the Clerk of the Superior

1 Court who committed the alleged mentally disordered person for observation and treatment is
2 authorized to order said person to remain at the hospital as a patient for another observation and
3 treatment period not to exceed four months."

4 **Sec. 6.** G.S. 122-46.3 is hereby amended by inserting immediately following the
5 word "observation" and immediately preceding the comma in line four thereof, the words "and
6 treatment."

7 **Sec. 7.** G.S. 122-51 is hereby amended by striking out in the next to last paragraph
8 thereof the words "To the physicians making the examination, the sum of fifteen dollars
9 (\$15.00) each and mileage at the rate of seven cents (7¢) a mile" and by substituting in lieu
10 thereof the following:

11 "To the physicians making the examination in the hospital, a fee to be determined in accord
12 with the schedule of fees adopted by the North Carolina Hospitals Board of Control and
13 mileage at the rate of seven cents (7¢) a mile."

14 **Sec. 8.** G.S. 122-57 as the same appears in the 1959 Cumulative Supplement to the
15 General Statutes is hereby rewritten to read as follows:

16 "**Section 122-57.** Temporary detention in case of sudden and violent homicidal or suicidal;
17 subsequently committed by the clerk; discharged by clerk and returned to county of residence.
18 Whenever any citizen or resident of this State or any other state becomes suddenly and
19 violently homicidal or suicidal, he may be detained in the State hospital to which the clerk is
20 authorized to commit mentally disordered persons from his county, private hospital, county
21 hospital, or other suitable place. Authorization for hospitalization shall be upon the affidavit of
22 one physician licensed to practice medicine in North Carolina and who is not related by blood
23 or marriage to the alleged mentally disordered person or upon the application of a respectable
24 citizen by order of the Clerk of Superior Court of the county in which the person becomes
25 suddenly and violently homicidal or suicidal. The physician's signature shall be sworn to before
26 a person authorized to take acknowledgments or witnessed by the sheriff, a deputy sheriff, or a
27 police officer with the rank of sergeant or higher. The physician's sworn signature or witnessed
28 signature shall constitute authority for the temporary detention of the alleged mentally
29 disordered person who has become suddenly and violently homicidal or suicidal without an
30 order of the Clerk of Superior Court and shall constitute authority for the sheriff of the county
31 to take such person into custody and immediately transport him to the place of detention.

32 The detention provided herein shall be for a period of not more than 20 days. During the
33 20-day period proceedings for commitment for observation and treatment of a person
34 temporarily detained in a State hospital, under the provisions of this Section, may proceed
35 without returning said person to the county of his residence. The Clerk of Superior Court of the
36 county in which the patient is confined shall, upon the request of the controlling officer, go to
37 the hospital and hold the hearing required by G.S. 122-46. Any two physicians licensed to
38 practice medicine in North Carolina and who are not related by blood or marriage to the alleged
39 mentally disordered person and who are not directly connected with the care, observation and
40 treatment of the alleged mentally disordered person in the hospital of confinement, may serve
41 as the certifying physicians. If the Clerk of Superior Court of the county in which the patient is
42 confined dismisses the proceedings and discharges the alleged mentally disordered person, the
43 superintendent shall immediately notify the sheriff of the county of the residence of such
44 person to return him to his home, if within the State, without cost to the person or his family.
45 The expenses of such hearing shall be borne by the county of residence of such mentally
46 disordered person or in case of a non-resident of the State, by the county where the affidavit or
47 order of temporary detention was initiated. If the clerk finds the person to be mentally
48 disordered, he may issue an order of commitment on the form approved by the North Carolina
49 Hospitals Board of Control, which shall authorize the hospital to receive said person and there
50 to examine him and observe his mental condition for a period not exceeding 60 days. The
51 records of such commitment shall be maintained in accordance with provisions of G.S. 122-50.

1 Duplicate originals of all certificates and papers, which are or might hereafter be required by
2 law to be sent to the county of commitment, shall be forwarded by the superintendent to the
3 Clerk of Superior Court of the residence of the person so committed.

4 Thereafter the procedure shall be as is provided in G.S. 122-46.1."

5 **Sec. 9.** G.S. 122-62 is hereby rewritten to read as follows:

6 "**G.S. 122-62. Admission upon patient's application.** Any person believing himself to be of
7 unsound mind or threatened with mental disorder may voluntarily admit himself to the proper
8 hospital. The application for admission shall be in the following form:

9 State of North Carolina, County of _____, I, _____, a resident
10 of _____ County, North Carolina, being of mind capable of signifying my
11 wishes, do hereby solicit admission as a patient in the State Hospital at _____ I
12 agree in all respects to conform to the rules and regulations of said institution. I understand that
13 I shall not be entitled to a discharge until I shall have given the superintendent ten days' written
14 notice of my desire to be discharged.

15 _____
16 Attest: _____

17 This application shall be accompanied by the certificate of a licensed physician, which
18 certificate shall state that in the opinion of the physician the applicant is a fit subject for
19 admission into a hospital, and that he recommends his admission. The certificate of the Clerk of
20 the Superior Court need not accompany this application, and the medical director of the State
21 hospital shall not notify the clerk of court of the county of the residence of the patient of the
22 discharge of the patient. The superintendent may if he think it a proper application, receive the
23 patient thus voluntarily admitted and treat him, but no report need to be made to the clerk of the
24 court of the county of his settlement. The superintendent and board of directors shall have the
25 same control over patients who admit themselves voluntarily as they have over those
26 committed under the regular proceedings hereinbefore provided except that a voluntary patient
27 shall be entitled to a discharge after he shall have given the superintendent ten days' written
28 notice of his desire to be discharged, unless proceedings have been instituted for the
29 involuntary commitment of such patient.

30 If in the opinion of the examining physician or of the superintendent of the hospital the
31 patient should be admitted for not less than a 30-day period to permit more adequate
32 examination and treatment, the superintendent may have the patient sign the above form to
33 which has been added:

34 I understand that I will be admitted for a minimum period of 30 days, and that my written
35 notice of a desire to be discharged will not be effective until the expiration of the 30-day
36 period.

37 When the patient shall have signed this form admitting himself for 30 days, the
38 superintendent may require that the patient remain at the hospital for this full period.

39 If necessary, final commitment of voluntarily admitted patients must proceed through the
40 same channels as in case of the involuntary commitment of an allegedly mentally disordered
41 person or in accord with the provisions of G.S. 122-43.1."

42 **Sec. 10.** G.S. 122-66 is hereby repealed.

43 **Sec. 11.** G.S. 122-67 is hereby amended by striking out the words "arrest and"
44 immediately following the word "his" and immediately preceding the word "return" in line two
45 of the second paragraph thereof.

46 **Sec. 12.** G.S. 122-91 is hereby amended by inserting immediately following the
47 word "observation" and immediately preceding the period in line four thereof, the words "and
48 treatment". The said Section is further amended by inserting immediately following the word
49 "observation" and immediately preceding the word "period" in line seven thereof, the words
50 "and treatment."

51 **Sec. 13.** All laws and clauses of laws in conflict with this Act are hereby repealed.

1 **Sec. 14.** This Act shall become effective upon its ratification.
2 In the General Assembly read three times and ratified, this the 26th day of May,
3 1961.