

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 673
HOUSE BILL 797

AN ACT TO PROVIDE FOR THE APPOINTMENT AND QUALIFICATIONS OF A COMMISSIONER OF MENTAL HEALTH AND FOR ADMINISTRATORS AND CHIEFS OF MEDICAL SERVICES OF MENTAL HOSPITALS AND RESIDENTIAL CENTERS FOR THE MENTALLY RETARDED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122-1.3 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended and rewritten to read:

"§ 122-1.3. **Commissioner of Mental Health.** — The Secretary of the Department of Human Resources shall appoint a Commissioner of Mental Health who shall serve at the pleasure of the Secretary. The Commissioner shall be a physician licensed to practice medicine in North Carolina. He shall have approved training in psychiatry and shall also have satisfactory training and experience in administration. His experience shall include at least five years of progressive experience in mental health or mental health related program administration. Certification in psychiatry by the American Board of Psychiatry and Neurology, Inc., may be substituted for two of the five years of required experience. The Commissioner of Mental Health shall be the chief executive officer of the State Department of Mental Health and shall be responsible for the efficient management, administration and operation of the Department in accordance with the provisions of this Chapter."

Sec. 2. G.S. 122-25 as the same appears in the 1971 Cumulative Supplement to Volume 3B of the General Statutes is amended and rewritten to read:

"§ 122-25. **Administrators and chiefs of medical services of mental hospitals and residential centers for the mentally retarded.** — (a) The Commissioner of Mental Health, with the approval of the Secretary of the Department of Human Resources, shall appoint an administrator for each mental hospital and each residential center for the mentally retarded in the Department of Mental Health. This administrator shall have approved training and experience in the management of health care facilities. He shall be the chief executive officer of the facility to which he is appointed and, subject to the supervision, direction and control of the Commissioner of Mental Health, he shall be responsible for the management, administration and operation of that facility, to include the employment and discharge of all personnel at such facility.

(b) The Commissioner of Mental Health, with the approval of the Secretary of Human Resources, shall appoint a chief of medical services at each mental hospital and residential center for the mentally retarded in the Department of Mental Health. This individual shall be a physician duly licensed to practice medicine in North Carolina. As to the mental hospitals, the chief of medical services shall have approved training and experience in psychiatry. As to the centers for the mentally retarded, the chief of medical services shall have approved training in pediatrics or psychiatry. Subject to the supervision, direction and control of the Commissioner of Mental Health, the chief of medical services shall exercise supervision and direction over all medical and clinical services at his facility.

(c) Any question as to whether a particular function falls within the authority or responsibility of the administrator or the chief of medical services at a given facility will be submitted to the Commissioner of Mental Health who will decide the question."

Sec. 3. G.S. 122-1.4 as the same appears in the 1971 Cumulative Supplement to Volume 3B of the General Statutes is repealed.

Sec. 4. G.S. 122-1.5 is hereby repealed.

Sec. 5. G.S. 122-8.1 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended to strike out "superintendent," where the same appears in line one thereof.

Sec. 6. G.S. 122-11.4 as the same appears in the 1971 Cumulative Supplement to Volume 3B is amended by striking out the word "superintendent" where the same appears in that section and substituting therefor the word "administrator".

Sec. 7. G.S. 122-13.1 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended by striking out the words "superintendent of the appropriate State hospital" and substituting therefor the words "administrator of the appropriate State hospital acting upon the advice of the chief of medical services of that hospital".

Sec. 8. G.S. 122-14 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended by striking out the word "superintendents" wherever it appears in that section and substituting therefor the word "administrators".

Sec. 9. G.S. 122-15 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended and rewritten to read:

"§ 122-15. **Transfer of inmates to general wards.** — The administrators of Dorothea Dix Hospital and Cherry Hospital, acting upon advice of their respective chiefs of medical services, are hereby authorized, empowered and directed to transfer from the wards in said hospitals set apart for the dangerously insane to the general wards any of the inmates or prisoners therein who, in the judgment of the appropriate chief of medical services, have reached such a state of improvement in their mental condition as to justify such transfer."

Sec. 10. G.S. 122-24, as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended and rewritten to read:

"§ 122-24. **Administrators, chiefs of medical services and staff members not personally liable.** — No administrator, chief of medical services or any staff member under the supervision and direction of the administrator or chief of medical services of any State hospital shall be personally liable for any act or thing done under or in pursuance of any of the provisions of this Chapter."

Sec. 11. G.S. 122-27 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended by striking out the word "superintendent" wherever it appears in this section and substituting therefor the word "administrator".

Sec. 12. G.S. 122-31 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended by striking out the word "superintendent," as it appears therein and substituting therefor "administrator, chief of medical services,".

Sec. 12.1. G.S. 122-33 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is rewritten to read:

"G.S. 122-33. Appointment of employees as policemen who may arrest without warrant. — The administrator of each mental hospital and each residential center for the mentally retarded and the superintendent of the North Carolina School for the Deaf are empowered to appoint such number of discreet employees of their respective hospitals, centers, or school as they may think proper, special policemen, and within the grounds of such hospital, center or school the said employees so appointed policemen shall have all the powers of policemen of incorporated towns. They shall have the right to arrest without warrant persons committing violations of the State law or the ordinances of that hospital, center or school, in their presence, and within the

grounds of their hospital, center or school, and carry the offenders before a magistrate who shall proceed as in other criminal cases."

Sec. 13. Article 3 of Chapter 122 as the same appears in the 1964 Replacement Volume 3B of the General Statutes and the 1971 Cumulative Supplement thereto is amended by striking out the word "superintendent" wherever that word appears therein and substituting therefor the word "administrator".

Sec. 14. G.S. 122-56 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended as follows:

- "(1) The word 'superintendent' where it appears in lines 9, 16, 21, and 24 is stricken out and the word 'administrator' is substituted therefor.
- (2) The word 'superintendent' where it appears in line 19 is stricken out and the words 'chief of medical services' are substituted therefor.
- (3) The words 'superintendent may, if he thinks it a proper application,' where they appear in lines 10 and 11 are stricken out and the words 'administrator may, if the chief of medical services thinks it is a proper application,' are substituted therefor."

Sec. 15. G.S. 122-58(a) as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended by striking out the word "superintendent" and substituting therefor the word "administrator".

Sec. 16. G.S. 122-63 as the same appears in the 1971 Cumulative Supplement to the 1964 Replacement Volume 3B of the General Statutes is amended by striking out the word "superintendent" where that word appears therein and substituting therefor the word "administrator".

Sec. 17. G.S. 122-63.1 as the same appears in the 1971 Cumulative Supplement to Volume 3B of the General Statutes is amended by striking out the word "superintendent" where it appears therein and substituting therefor the words "administrator or chief of medical services".

Sec. 18. G.S. 122-65 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended as follows:

- "(1) The word 'superintendent' as it appears in line 2 is stricken out and the word 'administrator' is substituted therefor.
- (2) The word 'superintendent' as it appears in line 4 and in line 8 is stricken out and the words 'chief of medical services' is substituted therefor in each instance."

Sec. 19. G.S. 122-65.4 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended by striking out the word "superintendent" and substituting therefor the word "administrator".

Sec. 20. G.S. 122-83 as the same appears in the 1971 Cumulative Supplement to Volume 3B of the General Statutes is amended by striking out the words "the superintendent and medical director" where they appear therein and substituting therefor the words "the administrator and chief of medical services".

Sec. 21. G.S. 122-84 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended by striking out the word "superintendent" wherever that word appears therein and substituting therefor the word "administrator".

Sec. 22. G.S. 122-86 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is repealed.

Sec. 23. G.S. 122-87 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended by striking out the word "superintendent" wherever that word appears therein and substituting therefor the word "administrator".

The administrator may take the actions relative to discharge of patients as authorized by this section only after receiving the advice of the chief of medical services of his hospital and the

action taken by the administrators shall be in accordance with the advice which he has received from the chief of medical services.

Sec. 24. G.S. 122-91 as the same appears in the 1971 Cumulative Supplement to Volume 3B of the General Statutes is amended as follows:

- "(1) The words 'the superintendent of the State hospital concerned shall report his findings and recommendations' as they appear in lines 9 and 10 are stricken out and the words 'the administrator of the State hospital concerned shall forward the findings and recommendations of his medical personnel' are substituted therefor.
- (2) The words 'the superintendent of the State hospital concerned shall report his findings' as they appear in line 18 are stricken out and the words 'the administrator of the State hospital concerned shall forward the findings of his medical personnel' are substituted therefor."

Sec. 25. G.S. 122-66.1 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended by striking out the word "superintendent" where it appears in lines 1 and 9 thereof and substituting therefor the word "administrator" and by striking out subdivision (1) and substituting therefor the following:

- "(1) The administrator shall prepare a certificate of discharge and in said certificate shall record the fact that his chief of medical services or other medical personnel have found that the patient is not incompetent or that such patient has been restored to competency in all respects or that such patient is not mentally ill or inebriate and no longer in need of care and treatment in a State hospital for the mentally ill or inebriate."

Sec. 26. G.S. 122-67 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended as follows:

- "(1) The word 'superintendent' wherever the same appears in this section is stricken out and the word 'administrator' is substituted therefor.
- (2) The words 'in his discretion' as they appear in line 8 are stricken out.
- (3) The following paragraph is added at the end of G.S. 122-67:

"The administrator may take the actions relative to discharge of patients as authorized by this section only after receiving the advice of the chief of medical services of his hospital and the action taken by the administrators shall be in accordance with the advice which he has received from the chief of medical services."

Sec. 27. G.S. 122-67.1 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended and rewritten to read:

"§ 122-67.1. Release of patients from the psychiatric training and research center at North Carolina Memorial Hospital in Chapel Hill. — The Director of the Inpatient Service may release patients on probation in the same manner as provided for the administrator of a State hospital in Section 122-67, except insofar as Section 122-67 requires the advice of the chief of medical services. The director may also discharge such patients as in his opinion are no longer in need of hospital care."

Sec. 28. G.S. 122-68 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended and rewritten to read:

"§ 122-68. Administrator may release patient temporarily. — Each administrator may, for the space of 30 days, release upon probation any patient, when in the opinion of the chief of medical services of the hospital this release would not prove injurious to the patient or dangerous to the community."

Sec. 29. G.S. 122-68.1 as the same appears in the 1964 Replacement Volume 3B of the General Statutes is amended by striking out the word "Superintendent" as it appears in the catchline and the word "superintendent" as it appears in lines 2 and 3 of this section and substituting the words "Administrator" and "administrator" therefor respectively.

Sec. 30. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1973.