

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 51
SENATE BILL 93

AN ACT TO CONSOLIDATE VARIOUS RULEMAKING AND ADVISORY GROUPS
UNDER THE NORTH CAROLINA DIVISION OF MENTAL HEALTH, MENTAL
RETARDATION AND SUBSTANCE ABUSE SERVICES.

Whereas, the Appropriations Base Budget Committee on Human Resources and Corrections of the 1979 General Assembly requested that the Mental Health Study Commission study the various commissions, councils, and boards which work with the Division of Mental Health, Mental Retardation and Substance Abuse Services; and

Whereas, the Mental Health Study Commission was asked to work toward the goal of collapsing and combining some of the groups to reduce costs and improve their functioning; and

Whereas, the Mental Health Study Commission has determined that four advisory groups — The North Carolina Commission for Mental Health and Mental Retardation Services, the North Carolina Drug Commission, the Mental Health Advisory Council and the Alcoholism Advisory Council — can be combined into a single commission; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Part 4 of Article 3 of Chapter 143B of the General Statutes is rewritten to read:

"Part 4.

"Commission for Mental Health, Mental Retardation and Substance Abuse Services.

"§ 143B-147. Commission for Mental Health, Mental Retardation and Substance Abuse Services; creation, powers, and duties. — (a) There is hereby created the Commission for Mental Health, Mental Retardation and Substance Abuse Services of the Department of Human Resources with the power and duty to adopt, amend and repeal rules and regulations to be followed in the conduct of State and local mental health, mental retardation, alcohol and drug abuse programs including education, prevention, intervention, treatment, rehabilitation and other related services. Such rules and regulations shall be designed to promote the amelioration or elimination of the mental health, mental retardation, or alcohol and drug abuse problems of the citizens of this State. The Commission for Mental Health, Mental Retardation and Substance Abuse Services shall have the authority:

- (1) To establish standards and promulgate rules and regulations regarding the
 - a. admission, treatment and professional care of persons admitted to any institution, center or hospital administered by the Department of Human Resources as provided in Chapter 122 of the General Statutes for the mentally ill, mentally retarded, alcohol or drug abusers, which is now or may hereafter be established;
 - b. operation of education, prevention, intervention, treatment, rehabilitation and other related services as provided by area mental health, mental retardation and substance abuse authorities under Article 2F of Chapter 122 of the General Statutes;

- c. hearings and appeals of area mental health, mental retardation and substance abuse authorities as provided for in Article 2F of Chapter 122 of the General Statutes;
 - d. requirements of the federal government for grants-in-aid for mental health, mental retardation, alcohol or drug abuse programs which may be made available to local programs or the State. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid;
- (2) To adopt rules and regulations for the inspection, registration or licensing of
 - a. facilities wherein mental health, mental retardation, alcohol or drug abuse services are provided under Article 2F of Chapter 122 of the General Statutes;
 - b. private hospitals for the mentally disordered as provided by G.S. 122-72;
 - (3) To advise the Secretary of the Department of Human Resources regarding the need for, provision and coordination of education, prevention, intervention, treatment, rehabilitation and other related services in the areas of:
 - a. mental illness and mental health,
 - b. mental retardation,
 - c. alcohol abuse, and
 - d. drug abuse;
 - (4) To review and advise the Secretary of the Department of Human Resources regarding all State plans required by federal or State law and to recommend to the Secretary any changes it thinks necessary in those plans; provided, however, for the purposes of meeting State plan requirements under federal or State law, the Department of Human Resources is designated as the single State agency responsible for administration of plans involving mental health, mental retardation, alcohol abuse, and drug abuse services;
 - (5) To establish standards and adopt rules and regulations relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances as provided by G.S. 90-100, after consultation regarding these standards with a licensed physician named by the Chairman of the Commission for Mental Health, Mental Retardation and Substance Abuse Services.

(b) All rules and regulations hereby adopted shall be consistent with the laws of this State and not inconsistent with the management responsibilities of the Secretary of Human Resources provided by this Chapter and the Executive Organization Act of 1973.

(c) All rules and regulations pertaining to the delivery of services and licensing of facilities heretofore adopted by the Commission for Mental Health and Mental Retardation Services and controlled substances rules and regulations adopted by the North Carolina Drug Commission shall remain in full force and effect unless and until repealed or superseded by action of the Commission for Mental Health, Mental Retardation and Substance Abuse Services.

(d) All rules and regulations adopted by the Commission for Mental Health, Mental Retardation and Substance Abuse Services shall be enforced by the Department of Human Resources.

"§ 143B-148. Commission for Mental Health, Mental Retardation and Substance Abuse Services; members; selection; quorum; compensation. — (a) The Commission for Mental Health, Mental Retardation and Substance Abuse Services of the Department of Human Resources shall consist of 25 members:

- (1) Four of whom shall be members of the General Assembly, with concern for the problems of mental illness, mental retardation, alcohol and drug abuse, including
 - a. two members of the House of Representatives appointed by the Speaker of the House, and
 - b. two members of the Senate appointed by the President of the Senate.The terms of office of these members shall be for two years, commencing with July 1 of each odd-numbered year;
- (2) Twenty-one of whom shall be citizens appointed by the Governor and shall represent all geographic regions of the State.
 - a. Of these 21 members, three shall have a special interest in mental health, three shall have a special interest in mental retardation, three shall have a special interest in alcohol abuse and alcoholism and three shall have a special interest in drug abuse. Each group of three shall be made up of one member who is a consumer representative; one other who is a representative of a local or State citizen organization or association; and one other who is a professional in the field.
 - b. The remaining nine members shall be appointed from the general public, other citizen groups, area mental health, mental retardation, and substance abuse authorities, or from other related agencies.
 - c. Of these 21 appointments, at least one shall be a licensed physician and at least one other shall be a licensed attorney.
 - d. The Governor shall appoint members to the Commission in accordance with the foregoing provisions. At the initial formation of the Commission for Mental Health, Mental Retardation and Substance Abuse Services, the Governor shall designate seven of his appointees to serve for two years, seven to serve for three years and seven to serve for four years, all to commence on July 1, 1981. Thereafter the terms of all Commission members appointed by the Governor shall be four years. All Commission members shall serve their designated terms and until their successors are duly appointed and qualified. All Commission members may succeed themselves.
- (3) All appointments shall be made pursuant to current federal rules and regulations, when not inconsistent with State law, which prescribe the selection process and demographic characteristics as a necessary condition to the receipt of federal aid.

(b) Except as otherwise provided in this section, the provisions of G.S. 143B-13 through 20 relating to appointment, qualifications, terms and removal of members shall apply to all members of the Commission for Mental Health, Mental Retardation and Substance Abuse Services. G.S. 143B-13(c) shall not apply to Commission members who are also members of the General Assembly.

(c) Commission members who are members of the General Assembly shall receive subsistence and travel allowances at the rates set forth in G.S. 138-5; provided however, Commission members who are State employees shall receive travel allowances at the rates set forth in G.S. 138-6.

(d) A majority of the Commission shall constitute a quorum for the transaction of business.

(e) All clerical and other services required by the Commission shall be supplied by the Secretary of Human Resources.

"§ 143B-149. **Commission for Mental Health, Mental Retardation and Substance Abuse Services; officers.** — The Commission for Mental Health, Mental Retardation and Substance Abuse Services shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members and shall serve as chairman at his pleasure. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

"§ 143B-150. **Commission for Mental Health, Mental Retardation and Substance Abuse Services; regular and special meetings.** — The Commission for Mental Health, Mental Retardation and Substance Abuse Services shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least eight members."

Sec. 2. Chapter 122 of the General Statutes is amended by adding a new section to the beginning of the Chapter to read:

"§ 122-1.1. **Definitions.** — For the purposes of this Chapter, the following definition applies:

- (1) 'Commission' means the Commission for Mental Health, Mental Retardation and Substance Abuse Services, established under Part 4 of Article 3 of Chapter 143B of the General Statutes."

Sec. 3. G.S. 122-1.2, G.S. 122-3, G.S. 122-4, G.S. 122-7.1, G.S. 122-7.2, G.S. 122-12, G.S. 122-13, G.S. 122-16.1, G.S. 122-35.26, G.S. 122-35.36, G.S. 122-35.37, G.S. 122-35.39, G.S. 122-35.41, G.S. 122-35.43, G.S. 122-35.45, G.S. 122-35.49, G.S. 122-35.50, G.S. 122-35.51, G.S. 122-35.52, G.S. 122-35.53, G.S. 122-35.57, G.S. 122-39, G.S. 122-69, G.S. 122-70 and G.S. 122-72 are amended by deleting the phrase "Commission for Mental Health and Mental Retardation Services" wherever it appears and by substituting the following: "Commission".

Sec. 4. G.S. 122-35.36(5) is repealed.

Sec. 5. G.S. 20-179.2 is amended by deleting the phrase "Commission for Mental Health and Mental Retardation Services" wherever it appears and by substituting the following: "Commission for Mental Health, Mental Retardation and Substance Abuse Services".

Sec. 6. G.S. 148-19(d) is amended by deleting the phrase "Commission for Mental Health and Mental Retardation Services" wherever it appears and by substituting the following: "Commission for Mental Health, Mental Retardation and Substance Abuse Services".

Sec. 7. Chapter 143B of the General Statutes is amended by repealing Part 23 of Article 3.

Sec. 8. G.S. 90-87 is amended by inserting a new subdivision "(3a)" between subdivisions "(3)" and "(4)" to read:

- "(3a) 'Commission' means the Commission for Mental Health, Mental Retardation and Substance Abuse Services established under Part 4 of Article 3 of Chapter 143B of the General Statutes."

Sec. 9. G.S. 90-87(14) and (25), G.S. 90-88, G.S. 90-89, G.S. 90-90, G.S. 90-91, G.S. 90-92, G.S. 90-93, G.S. 90-94, G.S. 90-100, G.S. 90-101, G.S. 90-103, G.S. 90-104, G.S. 90-106, G.S. 90-109, and G.S. 90-113.2 are amended by deleting the phrase "North Carolina Drug Commission" wherever it appears and by substituting the following: "Commission".

Sec. 10. G.S. 90-113.9 is amended by adding a new subdivision "(2)" to read:

- "(2) 'Commission' means the Commission for Mental Health, Mental Retardation and Substance Abuse Services, established under Part 4 of Article 3 of Chapter 143B of the General Statutes."

Sec. 11. G.S. 90-113.14(c) is amended by deleting the phrase "North Carolina Drug Authority" wherever it appears and by substituting the following: "Commission".

Sec. 12. G.S. 143-475.1 is amended by deleting the phrase "North Carolina Drug Authority" wherever it appears and by substituting the following: "Commission for Mental Health, Mental Retardation and Substance Abuse Services".

Sec. 13. Chapter 143B of the General Statutes is amended by repealing Part 15 of Article 3.

Sec. 14. Except as otherwise provided in this act, the General Statutes are amended by deleting the phrase "Commission for Mental Health and Mental Retardation Services" wherever it appears and by substituting the following: "Commission for Mental Health, Mental Retardation and Substance Abuse Services".

Sec. 15. Except as otherwise provided in this act, the General Statutes are amended by deleting the phrase "North Carolina Drug Commission" wherever it appears and by substituting the following: "Commission for Mental Health, Mental Retardation and Substance Abuse Services".

Sec. 16. The General Statutes are amended by deleting the phrase "Mental Health Advisory Council" wherever it appears and by substituting the following: "Commission for Mental Health, Mental Retardation and Substance Abuse Services".

Sec. 17. This act shall become effective July 1, 1981.

In the General Assembly read three times and ratified, this the 26th day of February, 1981.