

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 1002
SENATE BILL 774

AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE
CERTIFICATE OF NEED LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-176(5) is rewritten to read:

"(5) 'Change in bed capacity' means (i) any increase in the total number of beds, or (ii) any relocation of beds from one physical facility or site to another, or (iii) a decrease in the total number of beds when that decrease involves a capital expenditure exceeding the expenditure minimum as defined in subdivision (16)b. of this section, or (iv) a redistribution of beds among different categories when that redistribution involves a capital expenditure exceeding the expenditure minimum as defined in subdivision (16)b. of this section. For purposes of this subdivision 'beds' means beds in hospitals, rehabilitation facilities, psychiatric facilities, chemical dependency treatment facilities, intermediate care facilities, skilled nursing facilities and intermediate care facilities for the mentally retarded."

Sec. 2. G.S. 131E-176(9) is amended by adding immediately after the words "means hospitals;" the words "pyschiatric facilities;".

Sec. 3. G.S. 131E-176(13) is amended by deleting the last sentence of the subdivision and substituting "The term includes all facilities licensed pursuant to Section 131E-77 of the General Statutes."

Sec. 4. The last sentence of G.S. 131E-176(14) is repealed.

Sec. 5. G.S. 131E-176 is amended by adding a new subdivision to read:

"(14a) 'Intermediate care facility for the mentally retarded' means facilities licensed pursuant to Chapter 122 of the General Statutes for the purpose of providing health and habilitative services based on the developmental model and principles of normalization for persons with mental retardation, autism, cerebral palsy, epilepsy or related conditions."

Sec. 6. G.S. 131E-176(16)c. is rewritten to read:

"c. The obligation of a capital expenditure by or on behalf of a health care facility when it is associated with a change in bed capacity and within the limits set forth in G.S. 131E-176(5)."

Sec. 7. G.S. 131E-176(21) is rewritten to read:

"(21) 'Psychiatric facility' means a public or private facility licensed pursuant to Chapter 122 of the General Statutes and which is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons."

Sec. 8. G.S. 131E-176(22) is amended by adding immediately after the words "private inpatient" the words "or outpatient", and is further amended by adding immediately after the words "professional supervision" the words ", and shall include 'comprehensive outpatient rehabilitation facilities' as defined by the Social Security Act and the regulations promulgated by the Department of Health and Human Services pursuant to that act".

Sec. 9. G.S. 131E-176(26) is repealed.

Sec. 10. G.S. 131E-183(a)(1) is amended by deleting the words ", and the State Mental Health Plan".

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.