

§ 122C-285. Commitment; second examination and treatment pending hearing.

(a) Within 24 hours of arrival at a 24-hour facility described in G.S. 122C-252, the respondent shall be examined by a qualified professional. This professional shall be a physician if the initial commitment evaluation was conducted by a commitment examiner who is not a physician. The examination shall include the assessment specified in G.S. 122C-283(c). If the physician or qualified professional finds that the respondent is a substance abuser and is dangerous to self or others, the physician or qualified professional shall hold and treat the respondent at the facility or designate other treatment pending the district court hearing. If the physician or qualified professional finds that the respondent does not meet the criteria for commitment under G.S. 122C-283(d)(1), the physician or qualified professional shall release the respondent and the proceeding shall be terminated. In this case the reasons for the release shall be reported in writing to the clerk of superior court of the county in which the custody order originated. If the respondent is released, the law enforcement officer or other person designated or required under G.S. 122C-251(g) to provide transportation shall return the respondent to the originating county.

(a1) The second examination of a respondent required by subsection (a) of this section to determine whether the respondent will be involuntarily committed due to substance abuse may be conducted either in the physical face-to-face presence of a physician or utilizing telehealth equipment and procedures, provided that the physician who examines the respondent by means of telehealth is satisfied to a reasonable medical certainty that the determinations made in accordance with subsection (a) of this section would not be different if the examination had been done in the physical presence of the commitment examiner. An examining physician who is not so satisfied shall note that the examination was not satisfactorily accomplished, and the respondent shall be taken for a face-to-face examination in the physical presence of a qualified professional; provided, however, that if the initial commitment examination was performed by a qualified professional, then this face-to-face examination shall be in the presence of a physician. As used in this section, "telehealth" means the use of two-way, real-time interactive audio and video where the respondent and commitment examiner can hear and see each other.

(b) If the 24-hour facility described in G.S. 122C-252 is the facility in which the first examination by a commitment examiner occurred and is the same facility in which the respondent is held, the second examination must occur not later than the following regular working day.

(c) The findings of the physician or qualified professional along with a summary of the facts on which they are based shall be made in writing in all cases. A copy of the written findings shall be sent to the clerk of superior court by reliable and expeditious means. (1973, c. 726, s. 1; c. 1408, s. 1; 1977, c. 400, s. 6; 1979, c. 915, s. 6; 1983, c. 380, s. 5; c. 638, ss. 9, 10; c. 864, s. 4; 1985, c. 589, s. 2; c. 695, s. 11; 1985 (Reg. Sess., 1986), c. 863, s. 28; 2018-33, s. 36; 2021-77, s. 6(d).)