



- 1 certified clinical addictions specialist under the waiver are  
2 within each of these professional's scope of practice.
- 3 d. How the health, safety, and welfare of individuals will continue  
4 to be at least as well protected under the waiver as under the  
5 statutory requirement.
- 6 (2) The Secretary shall review the request and may approve it upon  
7 finding that:
- 8 a. The request meets the requirements of this section.  
9 b. The request furthers the purposes of State policy under G.S.  
10 122C-2 and mental health, developmental disabilities, and  
11 substance abuse services reform.  
12 c. The request improves the delivery of mental health,  
13 developmental disabilities, and substance abuse services in the  
14 counties affected by the waiver and also protects the health,  
15 safety, and welfare of individuals receiving these services.  
16 d. The duties and responsibilities performed by the licensed  
17 clinical social worker, the masters level psychiatric nurse, or the  
18 masters level certified clinical addictions specialist are within  
19 the individual's scope of practice.
- 20 (3) The Secretary shall evaluate the effectiveness, quality, and efficiency  
21 of mental health, developmental disabilities, and substance abuse  
22 services and protection of health, safety, and welfare under the waiver.
- 23 (4) The waiver granted by the Secretary under this section shall be in  
24 effect for a period not to exceed three years, or the period for which  
25 the requesting local management entity's business plan is approved,  
26 whichever is shorter.
- 27 (5) The Secretary may grant a waiver under this section only to one local  
28 management entity located in the western part of the State that has  
29 been designated a phase-one entity as of July 1, 2003.
- 30 (6) In no event shall the substitution of a licensed clinical social worker,  
31 masters level psychiatric nurse, or masters level certified clinical  
32 addictions specialist under a waiver granted under this section be  
33 construed as authorization to expand the scope of practice of the  
34 licensed clinical social worker, the masters level psychiatric nurse, or  
35 the masters level certified clinical addictions specialist.
- 36 (7) The Department shall assure that staff performing the duties are  
37 trained and privileged to perform the functions identified in the waiver.
- 38 (8) The local management entity shall assure that a physician is available  
39 at all times to provide backup services, and that a physician shall  
40 provide telephonic approval and sign the chart within 72 hours after  
41 the initial examination is conducted.

42 **SECTION 2.** This act becomes effective July 1, 2003, and expires July 1,

43 2006.