

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 543
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HOUSE PRINCIPAL CLERK

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HOUSE DRH10207-MG-61 (02/15)

Short Title: MHDDSA Providers As Uncompensated Guardians. (Public)

Sponsors: Representatives Jones, Avila, Glazier, and Turner (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING PROVIDERS OF MENTAL HEALTH, DEVELOPMENTAL
3 DISABILITIES, OR SUBSTANCE ABUSE SERVICES TO SERVE AS
4 UNCOMPENSATED, COURT-APPOINTED GUARDIANS TO UNRELATED
5 CLIENTS.
6 The General Assembly of North Carolina enacts:
7 **SECTION 1.** G.S. 35A-1213(f) reads as rewritten:
8 "(f) An individual who contracts with or is employed by an entity that contracts with a
9 local management entity (LME) for the delivery of mental health, developmental disabilities,
10 and substance abuse services may not serve as a guardian for a ward for whom the individual or
11 entity is providing these services, unless the ~~individual~~ individual (i) is a parent of ~~that ward.~~
12 ~~The prohibition provided in this subsection shall not apply to~~ that ward, (ii) is a member of the
13 ward's immediate family who is under contract with a local management entity (LME) for the
14 delivery of mental health, developmental disabilities, and substance abuse services and is
15 serving as a guardian as of January 1, 2013-2013, or (iii) is not biologically related to the ward,
16 and is appointed by the court and serving as a guardian without compensation for guardianship
17 services. For the purposes of this subsection, the term "immediate family" is defined as a
18 spouse, child, sibling, parent, grandparent, or grandchild. The term also includes stepparents,
19 stepchildren, stepsiblings, and adoptive relationships."
20 **SECTION 2.** This act is effective when it becomes law.

