

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 673  
Committee Substitute Favorable 4/13/09

Short Title: Support for Developmental Disab. Services. (Public)

Sponsors:

Referred to:

March 19, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,  
3 DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND  
4 SUBSTANCE ABUSE SERVICES, TO TAKE CERTAIN ACTIONS TO IMPROVE  
5 SUPPORTS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 122C-115.4(b) is amended by adding the following new  
8 subdivision to read:

9 "(b) The primary functions of an LME are designated in this subsection and shall not be  
10 conducted by any other entity unless an LME voluntarily enters into a contract with that entity  
11 under subsection (c) of this section. The primary functions include all of the following:

12 ...

13 (8) Each LME shall develop a waiting list of persons with intellectual or  
14 developmental disabilities that are waiting for specific services. The LME  
15 shall develop the list in accordance with rules adopted by the Secretary to  
16 ensure that waiting list data are collected consistently across LMEs. Data  
17 collected should include numbers of persons that are:

- 18 a. Waiting for residential services.  
19 b. Potentially eligible for CAP-MRDD.  
20 c. In need of other State-funded services and supports.

21 The LME shall annually report the data maintained to the Department."

22 **SECTION 2.** G.S. 122C-112.1(a) is amended by adding the following new  
23 subdivisions to read:

24 "§ 122C-112.1. Powers and duties of the Secretary.

25 (a) The Secretary shall do all of the following:

26 ...

27 (35) Develop and adopt rules governing a statewide data system containing  
28 waiting list information obtained annually from each LME as required under  
29 G.S. 122C-115.4(b)(8). The rules adopted shall establish standardized  
30 criteria to be used by LMEs to ensure that the waiting list data are consistent  
31 across LMEs. The Department shall use data collected from LMEs under  
32 G.S. 122C-115.4(b)(8) for statewide planning and needs projects. The  
33 creation of the statewide waiting list data system does not create an  
34 entitlement to services for individuals on the waiting list. The Department  
35 shall report annually to the Joint Legislative Oversight Commission on  
36 Mental Health, Developmental Disabilities, and Substance Abuse Services  
37 its recommendations based on data obtained annually from each LME. The



- 1 report shall indicate the services that are most in need throughout the State,
- 2 plans to address unmet needs, and any cost projects to provide needed
- 3 services.
- 4 (36) The Department shall ensure that State-funded developmental disability
- 5 services are authorized on a quarterly, semiannually, or annual basis, in
- 6 accordance with guidelines issued by the Department, unless a change in the
- 7 individual's person-centered plan indicates a different authorization
- 8 frequency.
- 9 (37) The Department shall develop new developmental disability service
- 10 definitions for State-funded developmental disability services that allow for
- 11 person-centered and self-directed supports."

12 **SECTION 3.** This act becomes effective July 1, 2009.