

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 615

Short Title: DHHS Support/Persons w/Dev. Disabilities. (Public)

Sponsors: Senator Atwater.

Referred to: Mental Health & Youth Services.

March 17, 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 using standardized criteria developed by the
16 Department to ensure that waiting list data are collected consistently across
17 LMEs. Data 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 a statewide data system containing waiting list information
28 obtained annually from each LME as required under G.S. 122C-115.4(b)(8).
29 The Department shall also develop standardized criteria to be used by LMEs
30 to ensure that the waiting list data are consistent across LMEs. The
31 Department shall use data collected from LMEs under
32 G.S. 122C-115.4(b)(8) for statewide planning and needs projects. The
33 Department shall report annually to the Joint Legislative Oversight
34 Commission on Mental Health, Developmental Disabilities, and Substance
35 Abuse Services its recommendations based on data obtained annually from
36 each LME. The report shall indicate the services that are most in need



- 1 throughout the State, plans to address unmet needs, and any cost projects to
2 provide needed services.
3 (36) The Department shall ensure that State-funded developmental disability
4 services are authorized on an annual basis unless a change in the individual's
5 person-centered plan indicates a different authorization frequency.
6 (37) The Department shall develop developmental disability service definitions
7 that allow for funding a person-centered plan."
8 **SECTION 3.** This act becomes effective July 1, 2009.