

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL DRS45035-MG-39

Short Title: Allow LMFTs to Conduct First-Level IVC Exams. (Public)

Sponsors: Senators Krawiec, Hise, and Bishop (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO
3 ALLOW LICENSED MARRIAGE AND FAMILY THERAPISTS TO CONDUCT
4 INITIAL (FIRST-LEVEL) EXAMINATIONS FOR INVOLUNTARY COMMITMENT OF
5 INDIVIDUALS WITH MENTAL ILLNESS OR SUBSTANCE USE DISORDERS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 122C-263.1(a), as amended by Section 25 of S.L. 2018-33, reads
8 as rewritten:

9 "(a) Physicians and eligible psychologists are qualified to perform the commitment
10 examinations required under G.S. 122C-263(c) and G.S. 122C-283(c). The Secretary of Health
11 and Human Services may individually certify to perform the first commitment examinations
12 required by G.S. 122C-261 through G.S. 122C-263 and G.S. 122C-281 through G.S. 122C-283
13 other health, mental health, and substance abuse professionals whose scope of practice includes
14 diagnosing and documenting psychiatric or substance use disorders and conducting mental status
15 examinations to determine capacity to give informed consent to treatment as follows:

- 16 (1) The Secretary has received a request:
- 17 a. To certify a licensed clinical social worker, a master's or higher level
18 degree nurse practitioner, a licensed professional ~~counselor,~~
19 counselor, or a physician's assistant-physician assistant to conduct the
20 first examinations described in G.S. 122C-263(c) and
21 G.S. 122C-283(c).
 - 22 b. To certify a master's level licensed clinical addictions specialist to
23 conduct the first examination described in G.S. 122C-283(c).
- 24 (2) The Secretary shall review the request and may approve it upon finding all of
25 the following:
- 26 a. The request meets the requirements of this section.
 - 27 b., c. Repealed by Session Laws 2018-33, s. 25, effective October 1, 2019.
 - 28 d. The Department determines that the applicant possesses the
29 professional licensure, registration, or certification to qualify the
30 applicant as a professional whose scope of practice includes
31 diagnosing and documenting psychiatric or substance use disorders
32 and conducting mental status examinations to determine capacity to
33 give informed consent to treatment.
 - 34 e. The applicant for certification has successfully completed the
35 Department's standardized training program for involuntary



- 1 commitment and has successfully passed the examination for that
2 program.
- 3 (3) Repealed by Session Laws 2018-33, s. 25, effective October 1, 2019.
- 4 (4) A certification granted by the Secretary under this section shall be in effect
5 for a period of up to three years and may be rescinded at any time within this
6 period if the Secretary finds the certified individual has failed to meet the
7 requirements of this section. Certification may be renewed every three years
8 upon completion of a refresher training program approved by the Department.
- 9 (5) In no event shall the certification of a licensed clinical social worker, master's
10 or higher level degree nurse practitioner, licensed professional ~~counselor,~~
11 counselor, physician assistant, licensed marriage and family therapist, or
12 master's level certified clinical addictions specialist under this section be
13 construed as authorization to expand the scope of practice of the licensed
14 clinical social worker, the master's level nurse practitioner, licensed
15 professional ~~counselor, counselor,~~ physician assistant, licensed marriage and
16 family therapist, or the master's level certified clinical addictions specialist.
- 17 (6) The Department shall require that individuals certified to perform initial
18 examinations under this section have successfully completed the Department's
19 standardized involuntary commitment training program and examination. The
20 Department shall maintain a list of these individuals on its Internet Web site.
- 21 (7) Repealed by Session Laws 2018-33, s. 25, effective October 1, 2019.
- 22 (7a) No less than annually, the Department shall submit a list of certified first
23 commitment examiners to the Chief District Court Judge of each judicial
24 district in North Carolina and maintain a current list of certified first
25 commitment examiners on its Internet Web site.
- 26 (8) A master's level licensed clinical addiction specialist shall only be authorized
27 to conduct the initial examination of individuals meeting the criteria of
28 G.S. 122C-281(a)."

29 **SECTION 2.** This act becomes effective October 1, 2019.