

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 848

Short Title: Plan of Treatment for Minors.

(Public)

---

Sponsors: Representatives McComas, Russell; McMahan and Sexton.

---

Referred to: Welfare Reform and Human Resources.

---

April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO REQUIRE MINORS ADMITTED TO A TWENTY-FOUR-HOUR FACILITY FOR TREATMENT OF MENTAL ILLNESS OR SUBSTANCE ABUSE TO COMPLETE A PLAN OF TREATMENT BEFORE DISCHARGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122C-224 reads as rewritten:

**"§ 122C-224. ~~Judicial review of voluntary admission.~~ Plan of treatment for minors; judicial review of voluntary admission.**

(a) When a minor is admitted to a 24-hour facility where the minor will be subjected to the same restrictions on ~~his~~ the minor's freedom of movement present in the State facilities for the mentally ill, or to similar restrictions, ~~a hearing shall be held by the district court in the county in which the 24-hour facility is located within 15 days of the day that the minor is admitted to the facility.~~ a panel of three responsible professionals, including a professional from the area authority that serves the catchment area where the minor resides, shall develop a plan of treatment for the minor within 24 hours of admission. The plan of treatment shall include the recommended length of treatment and shall be developed in consultation with the legally responsible person. The plan shall be recorded in the minor's file. Within 15 days of the day the minor is admitted to the facility, a hearing shall be held by the district court in the county in which the 24-hour facility is located. A continuance of not more than five days may be granted.

1 (b) Before the admission, the facility shall provide the minor and his legally  
2 responsible person with written information describing the procedures for court review of  
3 the admission and informing them about the discharge procedures. They shall also be  
4 informed that, after a written request for discharge, the facility may hold the minor for 72  
5 hours during which time the facility may apply for a petition for involuntary  
6 commitment.

7 (c) Within 24 hours after admission, the facility shall notify the clerk of court in  
8 the county where the facility is located that the minor has been admitted and that a  
9 hearing for concurrence in the admission must be scheduled. At the time notice is given  
10 to schedule a hearing, the facility shall notify the clerk of the names and addresses of the  
11 legally responsible person and the responsible professional."

12 Sec. 2. G.S. 122C-224.6(b) reads as rewritten:

13 "(b) The responsible professional may release the minor conditionally ~~for periods not~~  
14 ~~in excess of 30 days on specified appropriate conditions, consistent with the treatment plan of~~  
15 the minor and in consultation with the legally responsible person. Violation of the  
16 conditions is grounds for return of the minor to the 24-hour facility. A law enforcement  
17 officer, on request of the responsible professional, shall take the minor into custody and  
18 return him to the facility in accordance with G.S. 122C-205."

19 Sec. 3. G.S. 122C-224.7 reads as rewritten:

20 "**§ 122C-224.7. Discharge.**

21 (a) ~~The responsible professional shall unconditionally discharge a minor from~~  
22 ~~treatment at any time that it is determined that the minor is no longer mentally ill or a~~  
23 ~~substance abuser, or no longer in need of treatment at the facility. A minor admitted to a~~  
24 24-hour facility may be discharged from treatment only pursuant to subsection (b) of this  
25 section, or upon the determination of the panel of responsible professionals established  
26 pursuant to G.S. 122C-224, in consultation with the legally responsible person, that (i)  
27 the minor is no longer mentally ill or a substance abuser, or (ii) the minor has participated  
28 in the plan of treatment implemented pursuant to G.S. 122C-224 for the entire period of  
29 time recommended in the plan and has completed the treatment successfully, unless the  
30 minor has been discharged by order of the court prior to completion of the treatment. A  
31 minor receiving treatment other than from a 24-hour facility may be discharged from  
32 treatment at any time the responsible professional determines that the minor is no longer  
33 mentally ill or a substance abuser, or no longer in need of treatment.

34 (a1) Except as provided in G.S. 90-21.4, discharge of a minor from treatment shall  
35 include notice to and consultation with the legally responsible person and in no event  
36 shall a minor be discharged from treatment upon the minor's request alone.

37 (b) The legally responsible person may file a written request for discharge from  
38 the facility at any time. The facility may hold the minor in the facility for 72 hours after  
39 receipt of the request for discharge. If the responsible professional believes that the  
40 minor is mentally ill and dangerous to himself or others, he may file a petition for  
41 involuntary commitment under the provisions of Part 7 of this Article. If the responsible  
42 professional believes that the minor is a substance abuser and dangerous to himself or  
43 others, he may file a petition for involuntary commitment under the provisions of Part 8

1 of this Article. If an order authorizing the holding of the minor under involuntary  
2 commitment procedures is issued, further treatment and holding shall follow the  
3 provisions of Part 7 or Part 8 whichever is applicable. If an order authorizing the holding  
4 of the minor under involuntary commitment procedures is not issued, the minor shall be  
5 discharged.

6 (c) If a client reaches age 18 while in treatment, and the client refuses to sign an  
7 authorization for continued treatment within 72 hours of reaching 18, he shall be  
8 discharged unless the responsible professional obtains an order to hold the client under  
9 the provisions of Part 7 or Part 8 of this Article pursuant to an involuntary commitment."

10 Sec. 4. G.S. 122C-211(c) reads as rewritten:

11 "(c) Any individual who voluntarily seeks admission to a 24-hour facility in which  
12 medical care is an integral component of the treatment shall be examined and evaluated  
13 by a physician of the facility within 24 hours of admission. The evaluation shall  
14 determine whether the individual is in need of treatment for mental illness or substance  
15 abuse or further evaluation by the facility. If the evaluating physician determines that the  
16 individual will not benefit from the treatment available, the individual shall not be  
17 accepted as a client. When a minor is admitted to a 24-hour facility, a panel of three  
18 responsible professionals shall develop a plan of treatment for the minor pursuant to G.S.  
19 122C-224."

20 Sec. 5. G.S. 122C-212 reads as rewritten:

21 "**§ 122C-212. Discharges.**

22 (a) Except as provided in subsections ~~(b) and (e)-(b)~~, (c), and (d) of this section, an  
23 individual who has been voluntarily admitted to a facility shall be discharged upon his  
24 own request. A request for discharge from a 24-hour facility shall be in writing.

25 (b) An individual who has been voluntarily admitted to a 24-hour facility may be  
26 held for 72 hours after his written application for discharge is submitted.

27 (c) When an individual from a single portal area who has been voluntarily  
28 admitted to an area or State 24-hour facility is discharged, the discharge shall follow the  
29 procedures as prescribed in the area plan.

30 (d) A minor who has been voluntarily admitted to a 24-hour facility shall be  
31 discharged pursuant to G.S. 122C-224.7 and in no event shall a minor be discharged upon  
32 the minor's request alone."

33 Sec. 6. This act becomes effective July 1, 1995, and applies to admissions on  
34 or after that date.