

**2009 ENACTED LEGISLATION DIRECTLY OR INDIRECTLY IMPACTING
the NC Division of Mental Health, Developmental Disabilities and Substance Abuse
Services**

August 17, 2009

AB=Agency Bill

| Bill # | Session Law # | Title of Bill and Responsible Division/Office | Summary of Legislation | Effective Date |
|---------------|----------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| H 2 | 2009-27 | Prohibit Smoking in Certain Public Places DPH | Prohibits smoking in certain public places and certain places of employment | 5/19/2009 |
| H 9 | 2009-135 | No Texting While Driving DHHS | Makes it unlawful to use a mobile telephone for e-mail or text messaging while operating a vehicle on a public street or highway or public vehicular area. | 12/1/2009 and applies to offenses on or after this date |
| H 25 | 2009-50 | Clarify SCFAC Appointments DMH/DD/SAS | Clarifies the process for appointments to the State Consumer and Family Advisory Committee | 1/1/2010 |
| H 191 | 2009- | General Statutes Clarifying Correction DMH | Make a clarifying change to the general statutes and session laws. | When signed into law. |
| H 243 | 2009-340 | Mental Health/Law Enforcement Custody DMH/DD/SAS | Authorizes the facility of first commitment examination to terminate the inpatient commitment proceedings in appropriate circumstances when a twenty-four-hour facility is not available. | Sec. 3 is effective 7/1/2009 –The remainder becomes effective 10-01-2009 |

*Note that several Bills have not been signed into law by the Governor or have not been assigned a Session Law Number. The effective date for these bills will be the date the Governor signs the legislation into law or as otherwise indicated.

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| H 436 | 2009-145 | Fairness CON Determination/Inflation Adj. DHSR | Exempts from Certificate of Need review certain capital expenditures for Nursing Homes, Adult Care Homes, and Intermediate Care Facilities for the mentally retarded that entail innovative renovations and expansions to improve the quality of life. | 6/19/2009 |
| H 456 | 2009-462 | Tech. & Org. Changes/Certain DHHS Facilities DHSR | Makes technical and organizational changes to the law regarding the licensure and inspection of facilities for aged and disabled individuals. | Sec 3-becomes effective 1/1/2010; the remainder becomes effective 10/1/2009 |
| H 576 | 2009-189 | Remove Endorsement For Denied Access LME DMH/DD/SAS | Clarifies that LME's authority includes the right of access to a provider for monitoring and in response to complaints or emergencies and to clarify that a LME may remove a provider's endorsement if access for these purposes is denied. | 6/26/2009 |
| H 659 | 2009-126 | Study Existing Children/Youth Programs DSS, DPH, OES, DCD, DMH/DD/SAS | Authorizes the Joint Legislative Program Evaluation Oversight Committee to direct the Program Evaluation Division (PED) to Study existing programs relating to children and youth in North Carolina, as recommended by the Joint Legislative Study Commission on Children and Youth. | 6/19/2009 |
| H 672 | 2009-191 | Accountability for State Funding/MH/DD/SAS DMH/DD/SAS | DHHS shall analyze single LME use of state funds for Mental Health, Developmental Disabilities, and Substance Abuse Services. | 7/1/2009 |

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| H 673 | 2009-186 | Support For Developmental Disabilities Services DMH/DD/SAS | Directs DHH, DMH/DD/SAS to take certain actions to improve supports for persons with developmental disabilities. | 7/1/2009 |
| H 764 | 2009-470 | 2009 Appointments Bill DCD, DPH, DMH/DD/SAS | Appoints persons to various public offices upon the recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate. | Appointments are for terms to begin 7/1/2009 |
| H 775 | 2009- | Alt. Testimony/Children and Adults with Disab DMH/DD/SAS | Provides for alternative means of testimony for persons with developmental disabilities and persons with mental retardation, as recommended by the Joint Study Committee on Autism Spectrum Disorder and Public Safety. | 12/01/2009 and applies to hearings or trials held on or after that date |
| H 836 | 2009- | Modify Appropriations Act DMA, OMMIS, DSS, DMH/DD/SAS | Makes technical, clarifying, and other modifications to the appropriations act of 2009. | 7/01/2009 |
| H 925 AB` | 2009-65 | Data Sharing/DHHS Agencies ORH/CCN and DMH/DD/SAS | Authorizes the sharing of confidential information among agencies of DHHS in order to conduct quality assessment and improvement activities and coordinate appropriate and effective care, treatment, or habilitation of DHHS clients. | 6/8/2009 |
| H 945 | 2009- | The Studies Act of 2009 DSS, DCD, DMA, DHSR, DMH/DD/SAS DPH, DAAS | Provides for studies by the Commission, Statutory Oversight Committees and Commissions, and other agencies, committees, and commissions. | When signed into law |
| H 1046 AB | 2009-187 | Child Care Facilities DCD, DMH/DD/SAS | Transfers the authority to adopt rules establishing standards applicable to child care centers that provide developmental day programs | 1/10/2010 |

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| H 1087 | 2009-190 | MH/DD/SA Client Rights/Provider Entities DMH/DD/SAS | Applies client rights and human rights committee requirements for MH/DD/SAS and LME, to Provider entities. | 6/26/2009 |
| H 1088 AB | 2009-184 | DHHS/Procurement Methods DMH/DD/SAS, OCP | Exempt from the purchases and contracts law purchases by certain MH/DD/SAS Facilities | 6/26/2009 and applies to purchases made on or after that date |
| H 1129 | 2009-143 | Clarify Silver Alert-All Ages DAAS, DHSR | Clarifies that a silver alert maybe issued for a person of any age who is believed to be suffering from dementia or other cognitive impairment. | 06/19/2009 |
| H 1135 AB | 2009- | Qui Tam/Liability For False Claims DMA | Law is designed to deter and punish persons who make false or fraudulent claims for payment by the State and to provide remedies in the form of treble damages and civil penalties when money is obtained from the State by reason of such claims | Sec. 1 becomes effective 1/1/2010 and applies to acts committed on or after that date. A civil action may be filed after 1/1/2010, lapsed; Sec. 3 becomes effective 12/1/09 and applies to offenses committed on or after that date. The remainder is effective when it signed into law |

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| H 1168 | 2009-88 | Title Protection/Social Workers Applicable Divisions | Establishes title protection for social workers and to authorize any governmental employee whose position is derived from the Office of State Personnel Social Work Series, has been certified to be substantially equivalent, or was created by a County in a Human Services Agency to use the Title "Social Worker." | 6/11/2009 |
| H 1187 AB | 2009-316 | DHHS Technical Changes/Health Care Personnel DHSR | Makes technical changes to health statutes pertaining to Health Care Personnel and Health Care facilities. | 7/17/2009 |
| H 1189 AB | 2009-315 | DHHS/Tracking Outpatient Commitments DMH/DD/SAS | Requires physicians or eligible psychologists conducting examinations to inform the LME that an individual has been scheduled for an appointment with an outpatient treatment physician or center; to allow first commitments to be conducted via telemedicine; and pertaining to security forces at certain MH/DD/SAS facilities. | 7/17/2009 |

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| H 1297 | 2009- | Provider Credentials/Insurer/ Provider Contract DHSR DMH/DD/SAS | Makes changes to the laws pertaining to the credentialing of health care providers under Health Benefit Plans; adding a definition, and amending notice and contract negotiation provisions for Health Benefit Plan and provider contracting; clarifying a CON exemption criterion; and modifying inspection practices of certain hospital outpatient locations. | Sec. 1 becomes effective 1/1/2010, Sec. 2(a), 2(b), & 2(c) become effective 1/1/2010 and apply to health benefit plan contracts between health care providers and health benefit plans or insurers delivered, amended, or renewed on or after that date. The remainder is effective when signed into law... |
| H 1309 | 2009-361 | TBI Residential Treatment Facil/TBI Council DMH/DD/SAS | Directs the Commission for MH/DD/SAS to adopt rules providing for the licensure and accreditation of residential treatment facilities for persons with traumatic brain injury and to make changes to the North Carolina Traumatic Brain Injury Advisory Council. | 7/27/2009 Each appointment made under G.S. 143B-216.66, as enacted by Sec. 3, shall become effective at the expiration of the term of the member serving on the Council prior to the effective date of the act. |

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| S 138 | 2009- | Salvia Divinorum Unlawful DMH/DD/SAS | To create the offense of unlawful manufacture, sale, delivery, or possession of salvia divinorum. | 12/01/2009- Applies to acts committed on or after that date |
| S 188 | 2009-100 | Special Care Dentistry Collaboration DPH/DMA/DAAS | Directs DHHS, DPH in collaboration with the DMA, DAAS, UNC-CH and ECU Schools of Dentistry, The NC Dental Society, and current special care dental providers to examine dental care options for special care populations. | 6/12/2009 |
| S 208 | 2009-264 | People First DHHS | Pertains to statutory and administrative rule references to people with disabilities. | 7/10/2009 |
| S 220 | 2009- | General Statutes Comm. Technical Corrections DPH, DMH/DD/SAS | Makes technical corrections in the General Statutes as requested by the General Statutes Commission and to make various other technical changes to the General Statutes and Session Laws. | When signed into law. |
| S 258 | 2009-225 | Authorize Voluntary Medical Registry Program ORH/CCNC/DPH | Authorizes EMS to establish a voluntary model registry for use by counties and municipalities in identifying functionally and medically fragile persons in need of assistance during a disaster; and to authorize counties and municipalities to operate similar registries, as recommended by the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery. | 6/30/2009 |
| S 605 | 2009-309 | Assets of Ward's estate DAAS, DMH/DD/SAS DPH | Provides for the deposit of money of a ward's estate into any financial institution and to make other clarifying changes | 10/1/2009 |

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| S 628 AB | 2009-438 | Release Contr. Subst. Rep. Data To CME. DPH | Changes the reporting format for data on controlled substances transmitted by dispensers to DHHS; Authorizes DHHS to release confidential data in the controlled substances reporting system to the Chief Medical Examiner and County Medical Examiners for the purpose of investigating deaths, and to make changes pertaining to confidentiality of prescription information. | 8/7/2009 |
| S 633 | 2009-51 | Stipulation for final decision by OAH DHHS | Allows an Administrative Law Judge to make the final decision in a contested case when the disposition of the case has been agreed upon by the parties. | 6/1/2009 and applies to contested cases commenced on or after that date |
| S 799 AB | 2009-299 | Increase transparency of MH/DD/SAS Facilities DMH/DD/SAS | Increases transparency of state facilities that provide Mental Health/Developmental Disabilities and Substance Abuse Services by requiring the disclosure of certain information about death reports, facility police reports, and incident reports | 7/17/2009 |
| S 884 | 2009- | CIG SAF Amend/DHHS Elec. Supervision DHSR, DMH/DD/SAS | Makes changes to the Fire-Safety standard and firefighter protection act and to direct the DHHS, DHSR, to establish a Pilot Program to Study Alternative Staffing requirements for facilities that use electronic supervision devices and to direct the Commission for MH/DD/SAS to adopt rules establishing acceptable electronic supervision standards and related personnel requirements at facilities for children and adolescents who have a primary diagnosis of mental illness and/or emotional disturbance. | Sec. 1 and 2 becomes effective 1/1/2010. The remainder of this act is effective when signed into law. |