

**§ 122C-263.1. Secretary's authority to certify commitment examiners; training of certified commitment examiners performing first examinations.**

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

- (1) The Secretary has received a request:
  - a. To certify a licensed clinical social worker, a master's or higher level degree nurse practitioner, a licensed clinical mental health counselor, a licensed marriage and family therapist, or a physician assistant to conduct the first examinations described in G.S. 122C-263(c) and G.S. 122C-283(c).
  - b. To certify a master's level licensed clinical addictions specialist to conduct the first examination described in G.S. 122C-283(c).
- (2) The Secretary shall review the request and may approve it upon finding all of the following:
  - a. The request meets the requirements of this section.
  - b., c. Repealed by Session Laws 2018-33, s. 25, effective October 1, 2019.
  - d. The Department determines that the applicant possesses the professional licensure, registration, or certification to qualify the applicant as a professional whose scope of practice includes diagnosing and documenting psychiatric or substance use disorders and conducting mental status examinations to determine capacity to give informed consent to treatment.
  - e. The applicant for certification has successfully completed the Department's standardized training program for involuntary commitment and has successfully passed the examination for that program.
- (3) Repealed by Session Laws 2018-33, s. 25, effective October 1, 2019.
- (4) A certification granted by the Secretary under this section shall be in effect for a period of up to three years and may be rescinded at any time within this period if the Secretary finds the certified individual has failed to meet the requirements of this section. Certification may be renewed every three years upon completion of a refresher training program approved by the Department.
- (5) In no event shall the certification of a licensed clinical social worker, master's or higher level degree nurse practitioner, licensed clinical mental health counsellor, a licensed marriage and family therapist, physician assistant, or master's level certified clinical addictions specialist under this section be construed as authorization to expand the scope of practice of the licensed clinical social worker, the master's level nurse practitioner, licensed clinical mental health counselor, a licensed marriage and family therapist, physician assistant, or the master's level certified clinical addictions specialist.
- (6) The Department shall require that individuals certified to perform initial examinations under this section have successfully completed the Department's standardized involuntary commitment training program and examination. The Department shall maintain a list of these individuals on its Internet Web site.
- (7) Repealed by Session Laws 2018-33, s. 25, effective October 1, 2019.

- (7a) No less than annually, the Department shall submit a list of certified first commitment examiners to the Chief District Court Judge of each judicial district in North Carolina and maintain a current list of certified first commitment examiners on its Internet Web site.
- (8) A master's level licensed clinical addiction specialist shall only be authorized to conduct the initial examination of individuals meeting the criteria of G.S. 122C-281(a).
- (9) A licensed marriage and family therapist shall not be authorized to conduct the initial examination of an individual married to a patient of the licensed marriage and family therapist.

(b) The Department shall expand its standardized certification training program to include refresher training for all certified providers performing initial examinations pursuant to subsection (a) of this section. (2011-346, s. 1; 2018-33, s. 25; 2019-240, ss. 3(i), 26(h); 2020-82, s. 2(a).)