

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H.B. 787  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40377-MG-135A

Short Title: Improved Data on Involuntary Commitments. (Public)

Sponsors: Representative Autry.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT ESTABLISHING INVOLUNTARY COMMITMENT DATA COLLECTION AND  
3 REPORTING REQUIREMENTS FOR AREA FACILITIES AND HOSPITALS WHERE  
4 FIRST EXAMINATIONS FOR INVOLUNTARY COMMITMENTS ARE PERFORMED  
5 AND FOR LOCAL MANAGEMENT ENTITIES/MANAGED CARE ORGANIZATIONS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 122C-255 reads as rewritten:

8 "**§ 122C-255. Report required.**

9 (a) Each 24-hour facility that (i) falls under the category of nonhospital medical  
10 detoxification, facility-based crisis service, or inpatient hospital treatment, (ii) is not a State  
11 facility under the jurisdiction of the Secretary of Health and Human Services, and (iii) is  
12 designated by the Secretary of Health and Human Services as a facility for the custody and  
13 treatment of individuals under a petition of involuntary commitment pursuant to G.S. 122C-252  
14 and 10A NCAC 26C.0101 shall submit a written report on involuntary commitments each  
15 January 1 and each July 1 to the Department of Health and Human Services, Division of Mental  
16 Health, Developmental Disabilities, and Substance Abuse Services. The report shall include all  
17 of the following:

- 18 (1) The number and primary presenting conditions of individuals receiving  
19 treatment from the facility under a petition of involuntary commitment.
- 20 (2) The number of individuals for whom an involuntary commitment proceeding  
21 was initiated at the facility, who were referred to a different facility or  
22 program.
- 23 (3) The reason for referring the individuals described in subdivision (2) of this  
24 section to a different facility or program, including the need for more intensive  
25 medical supervision.

26 (b) Each area facility and each acute care or general hospital licensed under Chapter 131E  
27 of the General Statutes that performs a first examination for commitment required under Parts 7  
28 and 8 of this Article shall submit a written report on involuntary commitments to the LME/MCO  
29 that serves the county in which the facility or hospital is located. The report shall be due each  
30 August 1, for the six-month period beginning January 1 and ending June 30, and each February  
31 1, for the six-month period beginning July 1 and ending December 31. These reports shall contain  
32 all of the following information:

- 33 (1) The number of individuals presented to the area facility or hospital for a first  
34 commitment examination under a custody and transportation order issued by  
35 a clerk or magistrate, and for this category of individuals all of the following:



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- 1           a.     The number of individuals who were found to meet the criteria for  
2           inpatient commitment upon first examination.
- 3           b.     Of the number determined in sub-subdivision a. of this subdivision,  
4           the number of individuals recommended for outpatient commitment  
5           and the average and median length of stay for the individuals  
6           comprising this group.
- 7           (2)    The number of respondents who initially presented voluntarily and for whom  
8           commitment examiners submitted petitions for commitment to the magistrate  
9           or clerk of court, and for this category of respondents the number of custody  
10           orders issued by the magistrate or clerk for transport to a 24-hour facility based  
11           upon a finding of inpatient commitment:
- 12           a.     Of the number determined in sub-subdivision a. of this subdivision,  
13           the number of individuals who were ultimately transported to a  
14           24-hour facility for a second examination and the average and median  
15           length of stay before transport for this number.
- 16           b.     The number of individuals who were discharged and their  
17           commitment proceedings terminated at the site of first examination,  
18           either because a second examination resulted in a determination that  
19           they no longer met the criteria for commitment or their custody order  
20           expired after seven days, and the median and average length of stay  
21           before discharge for this number.
- 22           c.     The number of individuals released based on a petition to the clerk or  
23           magistrate for outpatient commitment, and the median and average  
24           length of stay for this number.
- 25           (3)    For individuals transported to the area facility or hospital and presented for  
26           the first commitment examination under a custody and transportation order  
27           issued by a clerk or magistrate, all of the following information:
- 28           a.     Whether the transporting person used force to take the individual into  
29           custody or used physical restraint when transporting the individual to  
30           the facility.
- 31           b.     The type of restraint used, if any, and the transporting person's  
32           proffered reason for using restraint, including a description of the  
33           respondent's apparent mental state and behavior when taking the  
34           respondent into custody and during transportation.
- 35           c.     Whether the use of force or restraint resulted in bodily injury requiring  
36           medical care.
- 37           d.     Whether the officer or other person designated to provide  
38           transportation remained with the respondent and continued to maintain  
39           custody at the facility or left the facility's premises based on an  
40           assessment that appropriate supervision was available at the facility.
- 41           (c)    The data collected by an area facility or hospital and reported to the LME/MCO  
42           pursuant to subsection (b) of this section are confidential and not public records as defined by  
43           G.S. 132-1.
- 44           (d)    Each LME/MCO shall aggregate all data received pursuant to subsection (c) of this  
45           section by local area or county, and related data from the Administrative Office of the Courts, in  
46           a manner that does not identify specific facilities or hospitals by reference to their own reported  
47           data. The LME/MCO shall report this aggregated data to (i) each of the facilities and hospitals  
48           within its service area that is participating in the collection and reporting of data as required under  
49           subsection (c) of this section and (ii) the Division of Mental Health, Developmental Disabilities,  
50           and Substance Abuse Services within the Department. Notwithstanding the confidential nature  
51           of the data collected under subsection (c) of this section, the aggregated data prepared by an

1 LME/MCO pursuant to this subsection are public records as defined by G.S. 132-1, as long as  
2 the aggregated data do not identify specific facilities or hospitals by reference to their own  
3 reported data."

4           **SECTION 2.** This act becomes effective January 1, 2022.