

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS45368-MG-122A

Short Title: Remove MH/IDD/ODD Facilities from CON Review. (Public)

Sponsors: Senators Burgin, Krawiec, and Perry (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ELIMINATING FROM CERTIFICATE OF NEED REVIEW PSYCHIATRIC
3 HOSPITALS, INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH
4 INTELLECTUAL DISABILITIES, AND OPIOID USE DISORDER TREATMENT
5 CENTERS LOCATED IN TIER ONE AND TIER TWO COUNTIES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 131E-176 reads as rewritten:

8 "**§ 131E-176. Definitions.**

9 The following definitions apply in this Article:

10 ...

11 (5a) Chemical dependency treatment facility. – A public or private facility, or unit
12 in a facility, which is engaged in providing 24-hour a day treatment for
13 chemical dependency or a substance use disorder. This treatment may include
14 detoxification, administration of a therapeutic regimen for the treatment of
15 individuals with chemical dependence or substance use disorders, and related
16 services. The facility or unit may be any of the following:

- 17 a. A unit within a general hospital or an attached or freestanding unit of
18 a general hospital licensed under Article 5 of this Chapter.
19 b. A unit within a psychiatric hospital or an attached or freestanding unit
20 of a psychiatric hospital licensed under Article 1A of former Chapter
21 122 of the General Statutes or Article 2 of Chapter 122C of the General
22 Statutes.
23 c. A freestanding facility specializing in treatment of individuals with
24 chemical dependence or substance use disorders that is licensed under
25 Article 1A of former Chapter 122 of the General Statutes or Article 2
26 of Chapter 122C of the General Statutes. The facility may be identified
27 as "chemical dependency, substance abuse, alcoholism, or drug abuse
28 treatment units," "residential chemical dependency, substance use
29 disorder, alcoholism or drug abuse facilities," or by other names if the
30 purpose is to provide treatment of individuals with chemical
31 dependence or substance use disorders. The term, however, does not
32 include social setting detoxification facilities, medical detoxification
33 facilities, halfway houses, or recovery farms.

34 The term does not include an opioid use disorder treatment center located in a
35 Tier 1 or Tier 2 county, as defined in G.S. 143B-472.35(a)(18).

36 ...



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- 1 (9b) Health service facility. – A hospital; long-term care hospital; ~~psychiatric~~
- 2 ~~facility~~; rehabilitation facility; nursing home facility; adult care home; kidney
- 3 disease treatment center, including freestanding hemodialysis units;
- 4 intermediate care facility for individuals with intellectual disabilities; home
- 5 health agency office; chemical dependency treatment facility; diagnostic
- 6 center; hospice office, hospice inpatient facility, hospice residential care
- 7 facility; and ambulatory surgical facility.
- 8 (9c) Health service facility bed. – A bed licensed for use in a health service facility
- 9 in the categories of (i) acute care beds; (ii) ~~psychiatric beds~~; ~~(iii)~~-rehabilitation
- 10 beds; ~~(iv)~~-~~(iii)~~ nursing home beds; ~~(v)~~-~~(iv)~~ intermediate care beds for
- 11 individuals with intellectual disabilities; ~~(vi)~~-~~(v)~~ chemical dependency
- 12 treatment beds; ~~(vii)~~-~~(vi)~~ hospice inpatient facility beds; ~~(viii)~~-~~(vii)~~ hospice
- 13 residential care facility beds; ~~(ix)~~-~~(viii)~~ adult care home beds; and ~~(x)~~-~~(ix)~~
- 14 long-term care hospital beds.
- 15 ...
- 16 ~~(14a) Intermediate care facility for individuals with intellectual disabilities.—~~
- 17 ~~Facilities licensed pursuant to Article 2 of Chapter 122C of the General~~
- 18 ~~Statutes for the purpose of providing health and habilitative services based on~~
- 19 ~~the developmental model and principles of normalization for individuals with~~
- 20 ~~intellectual disabilities, autism, cerebral palsy, epilepsy or related conditions.~~
- 21 ...
- 22 ~~(21) Psychiatric facility.—A public or private facility licensed pursuant to Article~~
- 23 ~~2 of Chapter 122C of the General Statutes and which is primarily engaged in~~
- 24 ~~providing to inpatients, by or under the supervision of a physician, psychiatric~~
- 25 ~~services for the diagnosis and treatment of individuals with mental illnesses.~~
- 26 "
- 27 **SECTION 2.** This act becomes effective October 1, 2021.