



## **Representative McLawhorn's News from Raleigh**

**January 31, 2008**

As legislators, my colleagues and I are public servants dedicated to representing North Carolinians in the General Assembly. This session we appropriated funds and created laws to help people with mental health, developmental disabilities and substance abuse problems. Our budget includes more than \$711 million for mental health support. We also passed a bill for mental health parity and improved standards for homebound instruction for children with disabilities. There are several efforts across the state to improve our services and facilities for those with developmental disabilities and a history of substance abuse. This week, I want to update you on the work of the oversight committee that deals most directly with these issues and also point out some of the work we did in this area during this past session.

Thank you for your support and allowing me to share this information with you. Please let me know if you have any questions or concerns I can help with.

### **Committee Meeting**

The Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse met recently to discuss ways we can improve the lives of people affected by these conditions in our state. The committee received an update on the state's psychiatric hospitals, Community Support Service and the external groups appointed by Secretary Dempsey Benton of the state Department of Health and Human Services to work on key issues. One group will focus on construction and operational questions at the new Central Regional Hospital. Another group will work with state hospital directors to examine the standardization of policies and processes associated with patient treatment, facility safety and levels of services. The third group will analyze the implementation of the state Crisis Service System.

The committee also received an update on how the money appropriated last year for crisis services and facilities was spent.

The Division of Mental Health, Developmental Disabilities and Substance Abuse Services have several ongoing construction projects, including Central Regional Hospital, a Detox Unit at Julian F. Keith Alcohol and Drug Abuse Treatment Center in Black Mountain, North Carolina, and another Detox Unit at the R. J. Blackley Alcohol and Drug Abuse Treatment Center, located in Butner, North Carolina.

### **Legislation**

A new law (HB 627) strengthens the Mental Health, Developmental Disabilities, and Substance Abuse Services System by clarifying the functions of local management entities and the rule making authority of the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services.

### **Mental Health Parity**

We passed a new law (HB 973) that provides insurance parity to people who receive mental health services. Having insurance companies provide mental health parity has been debated in the legislature for 15 years, and we were pleased that we could finally do more to help mental health patients get the treatment they need. Under the new law, insurance companies are required to cover bipolar disorder, major depressive disorder, obsessive compulsive disorder, post-traumatic stress disorder, anorexia nervosa, bulimia, and three other mental illnesses the same way they treat and cover physical illnesses. All other mental health conditions must be covered for up to 30 inpatient/outpatient days and 30 office visits.

## **Housing**

\_A new law directs the Department of Health and Human Services to study rules and regulations for housing patients with mental illnesses in the same areas as patients without mental illnesses. The law (SB 164) also directs the department to develop staff training requirements for direct care workers working with mentally ill patients in adult care homes.

## **Homebound Instruction**

\_My colleagues and I passed a law (HB 14) to help disabled students. Local school districts can assign a student to be home schooled if the student's IEP team finds homebound instruction to be the least restrictive alternative environment for the student. The IEP team will determine the type of instruction the student should receive and will monthly evaluate the appropriateness of the methods used.

## **Services**

\_The Department of Health and Human Services will develop a graduated co-payment fee schedule to be used by local management entities and contractual provider agencies when determining the amount a client can pay out of pocket for services. The new law (HB 628) states that services with the co-payment will be available to families with an income 300 percent or greater of the family poverty level.

## **Facilities**

\_Legislators passed a law (HB 625) to more appropriately identify our state institutions as psychiatric hospitals, developmental centers, alcohol and drug treatment centers and residential programs for children. It also renames the special care centers that care for elderly mental health patients as neuro-medical treatment centers.

\_We authorized the Secretary of the Department of Health and Human Services to suspend admissions to health care facilities that are considered dangerous to the health and safety of patients. Under the new law (HB 772) the facility can contest the decision within 20 days after the department mails the notice. The department must also provide consultation to assist the facility in correcting health and safety issues. This law also allows the Division of Health Service Regulation to waive rules pertaining to hospitals during emergencies. It also allows private entities to do the required state criminal background check for potential mental health facility employees.

\_ A new law (HB 554) increases the penalty for assaulting a patient in a health care facility. It is now a Class H felony to assault a resident of a residential or health care facility if the assault shows a pattern of behavior that is negligent or causes bodily injury to the resident. Another law (HB 1294) prohibits smoking in long term care facilities.

## **State Funding**

\_We appropriated \$426,600 to provide mental health services for returning veterans. The money will be used to expand the North Carolina Health Information Portal, provide for a health program manager position and to train care providers to deal with the mental health and substance abuse needs of returning vets.

\_Our budget also includes \$1.4 million to provide for 14 drug treatment court positions. This money will replace expiring federal and county grant funds for positions in drug treatment courts in nine districts and a state level drug treatment court administrative position.

\_We set aside \$239,800 to treat drug and alcohol addiction. This funding will be used to provide 10 more contract beds to house chemically dependent male inmates who are undergoing intensive treatment for drug and alcohol abuse and addiction.