



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 425: Improve Utilization of MH Professionals.

2017-2018 General Assembly

Committee:	House Health	Date:	March 28, 2017
Introduced by:	Reps. Dobson, Dollar, Murphy, Earle	Prepared by:	Theresa Matula Committee Staff
Analysis of:	PCS to First Edition H425-CSSH-9		

OVERVIEW: House Bill 425 would allow a licensed clinical addictions specialist to be a member of a professional corporation that provides psychotherapeutic and related services and includes a licensed professional counselor in the list of professionals that can substitute for a physician or eligible psychologist in providing initial examinations for involuntary commitment of individuals with a mental illness or substance use disorder when requested by a local management entity and approved by the Secretary. The bill would become effective October 1, 2017.

The PCS adds licensed marriage and family therapists to the amendments in Section 2 of the bill that add licensed professional counselors and makes technical changes to correct the references to licensed clinical addictions specialist.

CURRENT LAW: Chapter 55B is the Professional Corporation Act. G.S. 55B-2(5) defines a "professional corporation" as a corporation engaged in rendering the professional services as specified and defined, pursuant to a certificate of registration issued by the Licensing Board regulating the profession or practice, and which has as its shareholders only those individuals permitted, designates itself as may be required by this statute, and is organized under the provisions of Chapter 55B and of Chapter 55, the North Carolina Business Corporation Act. G.S. 55B-14(c) allows a professional corporation to be formed by and between or among various professionals. G.S. 55B-14(c)(4) specifically allows a professional corporation to be formed by a physician, a licensed psychologist, a licensed clinical social worker, or each of them and a certified clinical specialist in psychiatric and mental health nursing, a licensed marriage and family therapist, a licensed professional counselor, or each of them, to render psychotherapeutic and related services that the respective stockholders are licensed, certified, or otherwise approved to provide.

G.S. 122C-261.1(a)(1) allows the Secretary to waive statutory requirements¹ when he or she has received a request from a Local Management Entity to substitute for a physician or eligible psychologist, a licensed clinical social worker, a master's level psychiatric nurse, or a master's level certified clinical addictions specialist when conducting (first level) examinations and when the LME has specifically described three prescribed criteria.

BILL ANALYSIS: Section 1 of House Bill 425 would amend G.S. 55B-14(c)(4) to allow a professional corporation that renders psychotherapeutic and related services to include a licensed clinical addictions specialist.

¹ Chapter 122C, Article 5, Part 7 Involuntary Commitment of the Mentally Ill: G.S. 122C-261, G.S. 122C-262, G.S. 122C-263 and Part 8 Involuntary Commitment of Substance Abusers: G.S. 122C-281, G.S. 122C-282, G.S. 122C-283.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House PCS 425

Page 2

Section 2 of the PCS would amend G.S. 122C-263.1(a)(1) to include a licensed professional counselor and a licensed marriage and family therapist in the list of professionals that can be substituted for a physician or eligible psychologist conducting initial (first-level) examinations for involuntary commitment of individuals with a mental illness or a substance use disorder when requested by the Local Management Entity and approved by the Secretary.

A conforming change is made to subdivision (5) to include the licensed professional counselor and licensed marriage and family therapist.

Additionally subdivision (8) is amended by the PCS to reference clinical "addictions" specialist to conform to the term used in Chapter 90, Article 5C: North Carolina Substance Abuse Practice Act.

EFFECTIVE DATE: House Bill 425 would become effective October 1, 2017.