



# HOUSE BILL 425: Improve Utilization of MH Professionals.

2017-2018 General Assembly

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<b>Committee:</b>		<b>Date:</b>	March 31, 2017
<b>Introduced by:</b>	Reps. Dobson, Dollar, Murphy, Earle	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	Second Edition		Committee Staff

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**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 licensed professional counselors and licensed marriage and family therapists 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.*

**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.

**Section 2** 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 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.

**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.

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G.S. 122C-261.1(a)(1) allows the Secretary to waive statutory requirements<sup>1</sup> when he or she has received a request from a Local Management Entity (LME) 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: a) how the purpose of the statutory requirement would be better served by waiving the requirement and substituting the proposed change; b) how the waiver will enable the LME to improve delivery or management of mental health, developmental disabilities, and substance abuse services; and c) how the health, safety, and welfare of individuals will continue to be at least as well protected under the waiver as under the statutory requirement.

*Clinical Addictions Specialists* are licensed under Chapter 90, Article 5C NC Substance Abuse Professional Practice Act. The scope of practice for a licensed clinical addictions specialist is provided in G.S. 90-113.31B(4).

*Professional Counselor Licensure* provisions are contained in Chapter 90, Article 24. Specific qualifications for licensure are contained in G.S. 90-336.

*Marriage and Family Therapy Licensure* provisions are contained in Chapter 90, Article 18C. Specific requirements are contained in G.S. 90-270.54.

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<sup>1</sup> 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.