



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Mental Health, Developmental
Disabilities and Substance Abuse Services

ROY COOPER • Governor


MANDY COHEN, MD, MPH • Secretary

KODY H. KINSLEY • Deputy Secretary for Behavioral Health & IDD

MEMORANDUM

Date: October 24, 2018

To: North Carolina Association of County Commissioners (NCACC)
North Carolina League of Municipalities

From: Kody H. Kinsley, Deputy Secretary for Behavioral Health & IDD 

Subject: Summary of Action Items Required by Senate Bill 630 (Session Law 2018-33):
An Act Revising the Laws Pertaining to Involuntary Commitment in order to
Improve the Delivery of Behavioral Health Services in North Carolina.

New legislation (SB630) was passed in June of 2018 to revise the Involuntary Commitment process. The Department of Health and Human Services recognizes that successful implementation of SB630 will require collaboration among all stakeholders and thus, we would like to facilitate this joint effort. To aid in the discussion, we are reaching out with a brief review of the city/county-specific action items and their relevant due dates. We are asking how we can be supportive in this process, including coordination with the LME-MCOs.

SB630 City/County Specific Items:

- Previously optional, SB630 **requires the governing body of a city or county to adopt a plan (transportation agreement)** for the custody and transportation of respondents under involuntary commitment from one entity to another.
- **The city** has the duty to provide transportation of a respondent **who is a resident of the city or who is physically taken into custody in the city limits**. **The county** has the duty to provide transportation for a respondent **who resides in the county outside of city limits or who is physically taken into custody outside of city limits**. Cities and counties may contract with each other to provide transportation.
- **Law enforcement, local acute care hospitals, and mental health providers shall participate** in developing the transportation agreement.
- This agreement **may designate law enforcement officers, volunteers, or other public or private personnel to provide custody and transport** for individuals undergoing involuntary commitment proceedings.
- Private personnel or agencies contracting for transportation services **shall complete training identified by the applicable LME-MCO** to ensure safety for both the respondent and public. Law enforcement may request to participate.

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- Transportation agreements **shall be submitted to NC DMH/DD/SAS, area magistrates, county clerks of court and the LME-MCO** that serves the city or county **by January 1, 2019**. Subsequently modified transportation plans shall be submitted to the same entities at least 10 days prior to their effective date.
- LME-MCOs shall adopt a **community crisis services plan that incorporates the transportation agreement** and facilitates the first commitment examination in conjunction with a health screening for individuals under involuntary commitment.

Please note that this memo is only intended to provide a high level overview; for details, please refer to [Senate Bill 630/Session Law 2018-33](#) . We look forward to hearing how we can best partner with the NCACC and NC League of Municipalities in this process. Questions/comments can be directed to IVCCommunication@dhhs.nc.gov.