

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 850

Short Title: LCSW/Qualified Professional for MH Commitmt. (Public)

Sponsors: Senator Metcalf.

Referred to: Health & Human Resources.

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE FIRST-LEVEL EXAMINATIONS BY A LICENSED
3 CLINICAL SOCIAL WORKER FOR OUTPATIENT AND INPATIENT
4 INVOLUNTARY COMMITMENTS UNDER THE MENTAL HEALTH
5 STATUTES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 122C-262 reads as rewritten:

8 **"§ 122C-261. Affidavit and petition before clerk or magistrate when immediate**
9 **hospitalization is not necessary; custody order.**

10 (a) Anyone who has knowledge of an individual who is mentally ill and either (i)
11 dangerous to self, as defined in G.S. 122C-3(11)a., or dangerous to others, as defined in
12 G.S. 122C-3(11)b., or (ii) in need of treatment in order to prevent further disability or
13 deterioration that would predictably result in dangerousness, may appear before a clerk
14 or assistant or deputy clerk of superior court or a magistrate and execute an affidavit to
15 this effect, and petition the clerk or magistrate for issuance of an order to take the
16 respondent into custody for examination by a ~~physician or eligible psychologist.~~
17 physician, eligible psychologist, or licensed clinical social worker. The affidavit shall
18 include the facts on which the affiant's opinion is based. If the affiant has knowledge or
19 reasonably believes that the respondent, in addition to being mentally ill, is also
20 mentally retarded, this fact shall be stated in the affidavit. Jurisdiction under this
21 subsection is in the clerk or magistrate in the county where the respondent resides or is
22 found.

23 (b) If the clerk or magistrate finds reasonable grounds to believe that the facts
24 alleged in the affidavit are true and that the respondent is probably mentally ill and
25 either (i) dangerous to self, as defined in G.S. 122C-3(11)a., or dangerous to others, as
26 defined in G.S. 122C-3(11)b., or (ii) in need of treatment in order to prevent further
27 disability or deterioration that would predictably result in dangerousness, the clerk or
28 magistrate shall issue an order to a law enforcement officer or any other person
29 authorized under G.S. 122C-251 to take the respondent into custody for examination by

1 a ~~physician or eligible psychologist~~, physician, eligible psychologist, or licensed clinical
2 social worker. If the clerk or magistrate finds that, in addition to probably being
3 mentally ill, the respondent is also probably mentally retarded, the clerk or magistrate
4 shall contact the area authority before issuing a custody order and the area authority
5 shall designate the facility to which the respondent is to be taken for examination by a
6 ~~physician or eligible psychologist~~, physician, eligible psychologist, or licensed clinical
7 social worker. The clerk or magistrate shall provide the petitioner and the respondent, if
8 present, with specific information regarding the next steps that will occur for the
9 respondent.

10 (c) If the clerk or magistrate issues a custody order, the clerk or magistrate shall
11 also make inquiry in any reliable way as to whether the respondent is indigent within
12 the meaning of G.S. 7A-450. A magistrate shall report the result of this inquiry to the
13 clerk.

14 (d) If the affiant is a ~~physician or eligible psychologist~~, physician, eligible
15 psychologist, or licensed clinical social worker, the affiant may execute the affidavit
16 before any official authorized to administer oaths. This affiant is not required to appear
17 before the clerk or magistrate for this purpose. This affiant's examination shall comply
18 with the requirements of the initial examination as provided in G.S. 122C-263(c). If the
19 ~~physician or eligible psychologist~~ physician, eligible psychologist, or licensed clinical
20 social worker recommends outpatient commitment and the clerk or magistrate finds
21 probable cause to believe that the respondent meets the criteria for outpatient
22 commitment, the clerk or magistrate shall issue an order that a hearing before a district
23 court judge be held to determine whether the respondent will be involuntarily
24 committed. The ~~physician or eligible psychologist~~ physician, eligible psychologist, or
25 licensed clinical social worker shall provide the respondent with written notice of any
26 scheduled appointment and the name, address, and telephone number of the proposed
27 outpatient treatment physician or center. If the ~~physician or eligible psychologist~~
28 physician, eligible psychologist, or licensed clinical social worker recommends
29 inpatient commitment and the clerk or magistrate finds probable cause to believe that
30 the respondent meets the criteria for inpatient commitment, the clerk or magistrate shall
31 issue an order for transportation to or custody at a 24-hour facility described in G.S.
32 122C-252. However, if the clerk or magistrate finds probable cause to believe that the
33 respondent, in addition to being mentally ill, is also mentally retarded, the clerk or
34 magistrate shall contact the area authority before issuing the order and the area authority
35 shall designate the facility to which the respondent is to be transported. If a ~~physician or~~
36 ~~eligible psychologist~~ physician, eligible psychologist, or licensed clinical social worker
37 executes an affidavit for inpatient commitment of a respondent, a second physician shall
38 be required to perform the examination required by G.S. 122C-266.

39 (e) Upon receipt of the custody order of the clerk or magistrate or a custody order
40 issued by the court pursuant to G.S. 15A-1003, a law enforcement officer or other
41 person designated in the order shall take the respondent into custody within 24 hours
42 after the order is signed, and proceed according to G.S. 122C-263.

43 (f) When a petition is filed for an individual who is a resident of a single portal
44 area, the procedures for examination by a ~~physician or eligible psychologist~~ physician,

1 eligible psychologist, or licensed clinical social worker as set forth in G.S. 122C-263
2 shall be carried out in accordance with the area plan. Prior to issuance of a custody
3 order for a respondent who resides in an area authority with a single portal plan, the
4 clerk or magistrate shall communicate with the area authority to determine the
5 appropriate 24-hour facility to which the respondent should be admitted according to the
6 area plan or to determine if there are more appropriate resources available through the
7 area authority to assist the petitioner or the respondent. When an individual from a
8 single portal area is presented for commitment at a 24-hour area or State facility
9 directly, the individual may not be accepted for admission until the facility notifies the
10 area authority and the area authority agrees to the admission. If the area authority does
11 not agree to the admission, it shall determine the appropriate 24-hour facility to which
12 the individual should be admitted according to the area plan or determine if there are
13 more appropriate resources available through the area authority to assist the individual.
14 If the area authority agrees to the admission, further planning of treatment for the client
15 is the joint responsibility of the area authority and the facility as prescribed in the area
16 plan.

17 Notwithstanding the provisions of this section, in no event shall an individual known
18 or reasonably believed to be mentally retarded be admitted to a State psychiatric
19 hospital, except as follows:

- 20 (1) Persons described in G.S. 122C-266(b);
- 21 (2) Persons admitted pursuant to G.S. 15A-1321;
- 22 (3) Respondents who are so extremely dangerous as to pose a serious
23 threat to the community and to other patients committed to non-State
24 hospital psychiatric inpatient units, as determined by the Director of
25 the Division of Mental Health, Developmental Disabilities, and
26 Substance Abuse Services or his designee; and
- 27 (4) Respondents who are so gravely disabled by both multiple disorders
28 and medical fragility or multiple disorders and deafness that alternative
29 care is inappropriate, as determined by the Director of the Division of
30 Mental Health, Developmental Disabilities, and Substance Abuse
31 Services or his designee.

32 Individuals transported to a State facility for the mentally ill who are not admitted by
33 the facility may be transported by law enforcement officers or designated staff of the
34 State facility in State-owned vehicles to an appropriate 24-hour facility that provides
35 psychiatric inpatient care.

36 No later than 24 hours after the transfer, the responsible professional at the original
37 facility shall notify the petitioner, the clerk of court, and, if consent is granted by the
38 respondent, the next of kin, that the transfer has been completed."

39 **SECTION 2.** G.S. 122C-262 reads as rewritten:

40 "**§ 122C-262. Special emergency procedure for individuals needing immediate**
41 **hospitalization.**

42 (a) Anyone, including a law enforcement officer, who has knowledge of an
43 individual who is subject to inpatient commitment according to the criteria of G.S.
44 122C-261(a) and who requires immediate hospitalization to prevent harm to self or

1 others, may transport the individual directly to an area facility or other place, including
2 a State facility for the mentally ill, for examination by a ~~physician or eligible~~
3 ~~psychologist-physician, eligible psychologist, or licensed clinical social worker~~ in
4 accordance with G.S. 122C-263(c).

5 (b) Upon examination by the ~~physician or eligible psychologist-physician,~~
6 ~~eligible psychologist, or licensed clinical social worker,~~ if the individual meets the
7 criteria required in G.S. 122C-261(a), the ~~physician or eligible psychologist-physician,~~
8 ~~eligible psychologist, or licensed clinical social worker~~ shall so certify in writing before
9 any official authorized to administer oaths. The certificate shall also state the reason that
10 the individual requires immediate hospitalization. If the ~~physician or eligible~~
11 ~~psychologist-physician, eligible psychologist, or licensed clinical social worker~~ knows
12 or has reason to believe that the individual is mentally retarded, the certificate shall so
13 state.

14 (c) If the ~~physician or eligible psychologist-physician, eligible psychologist, or~~
15 ~~licensed clinical social worker~~ executes the oath, appearance before a magistrate shall
16 be waived. The ~~physician or eligible psychologist-physician, eligible psychologist, or~~
17 ~~licensed clinical social worker~~ shall send a copy of the certificate to the clerk of superior
18 court by the most reliable and expeditious means. If it cannot be reasonably anticipated
19 that the clerk will receive the copy within 24 hours, excluding Saturday, Sunday, and
20 holidays, of the time that it was signed, the ~~physician or eligible psychologist-physician,~~
21 ~~eligible psychologist, or licensed clinical social worker~~ shall also communicate the
22 findings to the clerk by telephone.

23 (d) Anyone, including a law enforcement officer if necessary, may transport the
24 individual to a 24-hour facility described in G.S. 122C-252 for examination and
25 treatment pending a district court hearing. If there is no area 24-hour facility and if the
26 respondent is indigent and unable to pay for care at a private 24-hour facility, the law
27 enforcement officer or other designated person providing transportation shall take the
28 respondent to a State facility for the mentally ill designated by the Commission in
29 accordance with G.S. 143B-147(a)(1)a and immediately notify the clerk of superior
30 court of this action. The ~~physician's or eligible psychologist's-physician's, eligible~~
31 ~~psychologist's, or licensed clinical social worker's~~ certificate shall serve as the custody
32 order and the law enforcement officer or other designated person shall provide
33 transportation in accordance with the provisions of G.S. 122C-251.

34 In the event an individual known or reasonably believed to be mentally retarded is
35 transported to a State facility for the mentally ill, in no event shall that individual be
36 admitted to that facility except as follows:

- 37 (1) Persons described in G.S. 122C-266(b);
- 38 (2) Persons admitted pursuant to G.S. 15A-1321;
- 39 (3) Respondents who are so extremely dangerous as to pose a serious
40 threat to the community and to other patients committed to non-State
41 hospital psychiatric inpatient units, as determined by the Director of
42 the Division of Mental Health, Developmental Disabilities, and
43 Substance Abuse Services or his designee; and

- 1 (4) Respondents who are so gravely disabled by both multiple disorders
2 and medical fragility or multiple disorders and deafness that alternative
3 care is inappropriate, as determined by the Director of the Division of
4 Mental Health, Developmental Disabilities, and Substance Abuse
5 Services or his designee.

6 Individuals transported to a State facility for the mentally ill who are not admitted by
7 the facility may be transported by law enforcement officers or designated staff of the
8 State facility in State-owned vehicles to an appropriate 24-hour facility that provides
9 psychiatric inpatient care.

10 No later than 24 hours after the transfer, the responsible professional at the original
11 facility shall notify the petitioner, the clerk of court, and, if consent is granted by the
12 respondent, the next of kin, that the transfer has been completed.

13 (e) Respondents received at a 24-hour facility under the provisions of this section
14 shall be examined by a second physician in accordance with G.S. 122C-266. After
15 receipt of notification that the district court has determined reasonable grounds for the
16 commitment, further proceedings shall be carried out in the same way as for all other
17 respondents under this Part."

18 **SECTION 3.** G.S. 122C-263 reads as rewritten:

19 "**§ 122C-263. Duties of law-enforcement officer; first examination by physician or**
20 **eligible psychologist.**

21 (a) Without unnecessary delay after assuming custody, the law enforcement
22 officer or the individual designated by the clerk or magistrate under G.S. 122C-251(g)
23 to provide transportation shall take the respondent to an area facility for examination by
24 a ~~physician or eligible psychologist~~; physician, eligible psychologist, or licensed clinical
25 social worker; if a ~~physician or eligible psychologist~~ physician, eligible psychologist, or
26 licensed clinical social worker is not available in the area facility, the person designated
27 to provide transportation shall take the respondent to any ~~physician or eligible~~
28 ~~psychologist~~ physician, eligible psychologist, or licensed clinical social worker locally
29 available. If a ~~physician or eligible psychologist~~ physician, eligible psychologist, or
30 licensed clinical social worker is not immediately available, the respondent may be
31 temporarily detained in an area facility, if one is available; if an area facility is not
32 available, the respondent may be detained under appropriate supervision in the
33 respondent's home, in a private hospital or a clinic, in a general hospital, or in a State
34 facility for the mentally ill, but not in a jail or other penal facility.

35 (b) The examination set forth in subsection (a) of this section is not required if:

- 36 (1) The affiant who obtained the custody order is a ~~physician or eligible~~
37 ~~psychologist~~ physician, eligible psychologist, or licensed clinical
38 social worker who recommends inpatient commitment;
39 (2) The custody order states that the respondent was charged with a
40 violent crime, including a crime involving assault with a deadly
41 weapon, and he was found incapable of proceeding; or
42 (3) Repealed by Session Laws 1987, c. 596, s. 3.

43 In any of these cases, the law-enforcement officer shall take the respondent directly to a
44 24-hour facility described in G.S. 122C-252.

1 (c) ~~The physician or eligible psychologist~~ physician, eligible psychologist, or
2 licensed clinical social worker described in subsection (a) of this section shall examine
3 the respondent as soon as possible, and in any event within 24 hours, after the
4 respondent is presented for examination. The examination shall include but is not
5 limited to an assessment of the respondent's:

- 6 (1) Current and previous mental illness and mental retardation including,
7 if available, previous treatment history;
8 (2) Dangerousness to self, as defined in G.S. 122C-3(11)a. or others, as
9 defined in G.S. 122C-3(11)b.;
- 10 (3) Ability to survive safely without inpatient commitment, including the
11 availability of supervision from family, friends or others; and
12 (4) Capacity to make an informed decision concerning treatment.

13 (d) After the conclusion of the examination the ~~physician or eligible psychologist~~
14 physician, eligible psychologist, or licensed clinical social worker shall make the
15 following determinations:

- 16 (1) If the ~~physician or eligible psychologist~~ physician, eligible
17 psychologist, or licensed clinical social worker finds that:
18 a. The respondent is mentally ill;
19 b. The respondent is capable of surviving safely in the community
20 with available supervision from family, friends, or others;
21 c. Based on the respondent's psychiatric history, the respondent is
22 in need of treatment in order to prevent further disability or
23 deterioration that would predictably result in dangerousness as
24 defined by G.S. 122C-3(11); and
25 d. The respondent's current mental status or the nature of the
26 respondent's illness limits or negates the respondent's ability to
27 make an informed decision to seek voluntarily or comply with
28 recommended treatment.

29 ~~The physician or eligible psychologist~~ physician, eligible psychologist,
30 or licensed clinical social worker shall so show on the examination
31 report and shall recommend outpatient commitment. In addition the
32 examining ~~physician or eligible psychologist~~ physician, eligible
33 psychologist, or licensed clinical social worker shall show the name,
34 address, and telephone number of the proposed outpatient treatment
35 physician or center. The person designated in the order to provide
36 transportation shall return the respondent to the respondent's regular
37 residence or, with the respondent's consent, to the home of a
38 consenting individual located in the originating county, and the
39 respondent shall be released from custody.

- 40 (2) If the ~~physician or eligible psychologist~~ physician, eligible
41 psychologist, or licensed clinical social worker finds that the
42 respondent is mentally ill and is dangerous to self, as defined in G.S.
43 122C-3(11)a., or others, as defined in G.S. 122C-3(11)b., the ~~physician~~
44 ~~or eligible psychologist~~ physician, eligible psychologist, or licensed

1 clinical social worker shall recommend inpatient commitment, and
2 shall so show on the examination report. If, in addition to mental
3 illness and dangerousness, the ~~physician or eligible psychologist~~
4 physician, eligible psychologist, or licensed clinical social worker also
5 finds that the respondent is known or reasonably believed to be
6 mentally retarded, this finding shall be shown on the report. The law
7 enforcement officer or other designated person shall take the
8 respondent to a 24-hour facility described in G.S. 122C-252 pending a
9 district court hearing. If there is no area 24-hour facility and if the
10 respondent is indigent and unable to pay for care at a private 24-hour
11 facility, the law enforcement officer or other designated person shall
12 take the respondent to a State facility for the mentally ill designated by
13 the Commission in accordance with G.S. 143B-147(a)(1)a. for
14 custody, observation, and treatment and immediately notify the clerk
15 of superior court of this action.

16 In the event an individual known or reasonably believed to be
17 mentally retarded is transported to a State facility for the mentally ill,
18 in no event shall that individual be admitted to that facility except as
19 follows:

- 20 a. Persons described in G.S. 122C-266(b);
- 21 b. Persons admitted pursuant to G.S. 15A-1321;
- 22 c. Respondents who are so extremely dangerous as to pose a
23 serious threat to the community and to other patients committed
24 to non-State hospital psychiatric inpatient units, as determined
25 by the Director of the Division of Mental Health,
26 Developmental Disabilities, and Substance Abuse Services or
27 his designee; and
- 28 d. Respondents who are so gravely disabled by both multiple
29 disorders and medical fragility or multiple disorders and
30 deafness that alternative care is inappropriate, as determined by
31 the Director of the Division of Mental Health, Developmental
32 Disabilities, and Substance Abuse Services or his designee.

33 Individuals transported to a State facility for the mentally ill
34 who are not admitted by the facility may be transported by law
35 enforcement officers or designated staff of the State facility in
36 State-owned vehicles to an appropriate 24-hour facility that provides
37 psychiatric inpatient care.

38 No later than 24 hours after the transfer, the responsible
39 professional at the original facility shall notify the petitioner, the clerk
40 of court, and, if consent is granted by the respondent, the next of kin,
41 that the transfer has been completed.

- 42 (3) If the ~~physician or eligible psychologist~~ physician, eligible
43 psychologist, or licensed clinical social worker finds that neither
44 condition described in subdivisions (1) or (2) of this subsection exists,

1 the proceedings shall be terminated. The person designated in the order
2 to provide transportation shall return the respondent to the respondent's
3 regular residence or, with the respondent's consent, to the home of a
4 consenting individual located in the originating county and the
5 respondent shall be released from custody.

6 (e) The findings of the ~~physician or eligible psychologist~~ physician, eligible
7 psychologist, or licensed clinical social worker and the facts on which they are based
8 shall be in writing in all cases. The ~~physician or eligible psychologist~~ physician, eligible
9 psychologist, or licensed clinical social worker shall send a copy of the findings to the
10 clerk of superior court by the most reliable and expeditious means. If it cannot be
11 reasonably anticipated that the clerk will receive the copy within 48 hours of the time
12 that it was signed, the ~~physician or eligible psychologist~~ physician, eligible
13 psychologist, or licensed clinical social worker shall also communicate his findings to
14 the clerk by telephone.

15 (f) When outpatient commitment is recommended, the examining ~~physician or~~
16 ~~eligible psychologist~~ physician, eligible psychologist, or licensed clinical social worker,
17 if different from the proposed outpatient treatment physician or center, shall give the
18 respondent a written notice listing the name, address, and telephone number of the
19 proposed outpatient treatment physician or center and directing the respondent to appear
20 at the address at a specified date and time. The examining ~~physician or eligible~~
21 ~~psychologist~~ physician, eligible psychologist, or licensed clinical social worker before
22 the appointment shall notify by telephone the designated outpatient treatment physician
23 or center and shall send a copy of the notice and his examination report to the physician
24 or center.

25 (g) The ~~physician or eligible psychologist~~ physician, eligible psychologist, or
26 licensed clinical social worker at the completion of the examination, shall provide the
27 respondent with specific information regarding the next steps that will occur."

28 **SECTION 4.** G.S. 122C-264 reads as rewritten:

29 **"§ 122C-264. Duties of clerk of superior court and the district attorney.**

30 (a) Upon receipt of a ~~physician's or eligible psychologist's~~ physician's, eligible
31 psychologist's, or licensed clinical social worker's finding that the respondent meets the
32 criteria of G.S. 122C-263(d)(1) and that outpatient commitment is recommended, the
33 clerk of superior court of the county where the petition was initiated, upon direction of a
34 district court judge, shall calendar the matter for hearing and shall notify the respondent,
35 the proposed outpatient treatment physician or center, and the petitioner of the time and
36 place of the hearing. The petitioner may file a written waiver of his right to notice under
37 this subsection with the clerk of court.

38 (b) Upon receipt of a ~~physician's or eligible psychologist's~~ physician's, eligible
39 psychologist's, or licensed clinical social worker's finding that a respondent meets the
40 criteria of G.S. 122C-263(d)(2) and that inpatient commitment is recommended, the
41 clerk of superior court of the county where the 24-hour facility is located shall, after
42 determination required by G.S. 122C-261(c) and upon direction of a district court judge,
43 assign counsel if necessary, calendar the matter for hearing, and notify the respondent,

1 his counsel, and the petitioner of the time and place of the hearing. The petitioner may
2 file a written waiver of his right to notice under this subsection with the clerk of court.

3 (b1) Upon receipt of a ~~physician's or eligible psychologist's~~ physician's, eligible
4 psychologist's, or licensed clinical social worker's certificate that a respondent meets the
5 criteria of G.S. 122C-261(a) and that immediate hospitalization is needed pursuant to
6 G.S. 122C-262, the clerk of superior court of the county where the treatment facility is
7 located shall submit the certificate to the Chief District Court Judge. The court shall
8 review the certificate within 24 hours, excluding Saturday, Sunday, and holidays, for a
9 finding of reasonable grounds in accordance with 122C-261(b). The clerk shall notify
10 the treatment facility of the court's findings by telephone and shall proceed as set forth
11 in subsections (b), (c), and (f) of this section.

12 (c) Notice to the respondent, required by subsections (a) and (b) of this section,
13 shall be given as provided in G.S. 1A-1, Rule 4(j) at least 72 hours before the hearing.
14 Notice to other individuals shall be sent at least 72 hours before the hearing by
15 first-class mail postage prepaid to the individual's last known address. G.S. 1A-1, Rule 6
16 shall not apply.

17 (d) In cases described in G.S. 122C-266(b) in addition to notice required in
18 subsections (a) and (b) of this section, the clerk of superior court shall notify the chief
19 district judge and the district attorney in the county in which the defendant was found
20 incapable of proceeding. The notice shall be given in the same way as the notice
21 required by subsection (c) of this section. The judge or the district attorney may file a
22 written waiver of his right to notice under this subsection with the clerk of court.

23 (d1) For hearings and rehearings pursuant to G.S. 122C-268.1 and G.S.
24 122C-276.1, the clerk of superior court shall calendar the hearing or rehearing and shall
25 notify the respondent, his counsel, counsel for the State, and the district attorney
26 involved in the original trial. The notice shall be given in the same manner as the notice
27 required by subsection (c) of this section. Upon receipt of the notice, the district
28 attorney shall notify any persons he deems appropriate, including anyone who has filed
29 with his office a written request for notification of any hearing or rehearing concerning
30 discharge or conditional release of a respondent. Notice sent by the district attorney
31 shall be by first-class mail to the person's last known address.

32 (e) The clerk of superior court of the county where outpatient commitment is to
33 be supervised shall keep a separate list regarding outpatient commitment and shall
34 prepare quarterly reports listing all active cases, the assigned supervisor, and the
35 disposition of all hearings, supplemental hearings, and rehearings.

36 (f) The clerk of superior court of the county where inpatient commitment
37 hearings and rehearings are held shall provide all notices, send all records and maintain
38 a record of all proceedings as required by this Part; provided that if the respondent has
39 been committed to a 24-hour facility in a county other than his county of residence and
40 the district court hearing is held in the county of the facility, the clerk of superior court
41 in the county of the facility shall forward the record of the proceedings to the clerk of
42 superior court in the county of respondent's residence, where they shall be maintained
43 by receiving clerk."

44 **SECTION 5.** G.S. 122C-265 reads as rewritten:

1 "§ 122C-265. **Outpatient commitment; examination and treatment pending**
2 **hearing.**

3 (a) If a respondent, who has been recommended for outpatient commitment by an
4 examining ~~physician or eligible psychologist~~ physician, eligible psychologist, or
5 licensed clinical social worker different from the proposed outpatient treatment
6 physician or center, fails to appear for examination by the proposed outpatient treatment
7 physician or center at the designated time, the physician or center shall notify the clerk
8 of superior court who shall issue an order to a law-enforcement officer or other person
9 authorized under G.S. 122C-251 to take the respondent into custody and take him
10 immediately to the outpatient treatment physician or center for evaluation. The
11 law-enforcement officer may wait during the examination and return the respondent to
12 his home after the examination.

13 (b) The examining physician or the proposed outpatient treatment physician or
14 center may prescribe to the respondent reasonable and appropriate medication and
15 treatment that are consistent with accepted medical standards pending the district court
16 hearing.

17 (c) In no event may a respondent released on a recommendation that he meets the
18 outpatient commitment criteria be physically forced to take medication or forceably
19 detained for treatment pending a district court hearing.

20 (d) If at any time pending the district court hearing the outpatient treatment
21 physician or center determines that the respondent does not meet the criteria of G.S.
22 122C-263(d)(1), he shall release the respondent and notify the clerk of court and the
23 proceedings shall be terminated.

24 (e) If a respondent becomes dangerous to himself, as defined in G.S.
25 122C-3(11)a., or others, as defined in G.S. 122C-3(11)b., pending a district court
26 hearing on outpatient commitment, new proceedings for involuntary inpatient
27 commitment may be initiated.

28 (f) If an inpatient commitment proceeding is initiated pending the hearing for
29 outpatient commitment and the respondent is admitted to a 24-hour facility to be held
30 for an inpatient commitment hearing, notice shall be sent by the clerk of court in the
31 county where the respondent is being held to the clerk of court of the county where the
32 outpatient commitment was initiated and the outpatient commitment proceeding shall be
33 terminated."

34 **SECTION 6.** This act is effective when it becomes law.