

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SESSION LAW 2023-3
SENATE BILL 115

AN ACT CREATING A CERTIFICATE OF NEED EXEMPTION FOR THE CONVERSION OF A FORMER STATE-OPERATED FACILITY UNDER THE JURISDICTION OF THE SECRETARY OF HEALTH AND HUMAN SERVICES INTO A PSYCHIATRIC HOSPITAL FOR CHILDREN AND ADOLESCENTS; AND REMOVING THE R.J. BLACKLEY ALCOHOL AND DRUG TREATMENT CENTER FROM THE FACILITY CLOSURE REQUIREMENTS OF G.S. 122C-181.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definitions. – The following definitions apply in this section:

- (1) Department. – The Department of Health and Human Services.
- (2) State-operated facility. – Any facility that was at any time under the jurisdiction of the Secretary of Health and Human Services pursuant to G.S. 122C-181.

SECTION 1.(b) Exemption. – Notwithstanding Article 9 of Chapter 131E of the General Statutes, the State Medical Facilities Plan, or any other provision of law to the contrary, any not-for-profit health care system owned by the State is exempt from certificate of need review for (i) the conversion of a former State-operated facility into a psychiatric hospital for children and adolescents; (ii) the establishment or redevelopment of inpatient psychiatric beds at that psychiatric hospital; and (iii) the establishment of inpatient psychiatric services for children and adolescents at that psychiatric hospital, subject to all of the following:

- (1) The former State-operated facility is located in a county that has a total population between 60,000 and 65,000; has a total land area under 540 square miles, according to the most recent federal decennial census; and is located along the State's border with Virginia.
- (2) The State-owned entity must first enter into a written agreement with the Department to establish and operate a new psychiatric hospital at the former State-operated facility with inpatient psychiatric beds exclusively for children and adolescents.

SECTION 1.(c) Applicability of Licensure Laws. – The conversion of any unused State-operated facility into a psychiatric hospital for children and adolescents, as authorized by this act, is subject to existing licensure laws and requirements.

SECTION 2. G.S. 122C-181(a)(3)d. is repealed.

SECTION 3. No later than April 1, 2023, the Secretary shall enter into an agreement with a State entity meeting the description in G.S. 116-37 for the operation of a psychiatric hospital for children and adolescents on the campus of the facility known as the R.J. Blackley Alcohol and Drug Treatment Center, which will cease State-operation on March 1, 2023.



SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 9th day of March, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:44 p.m. this 10th day of March, 2023