


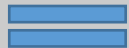
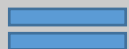


Area Authorities and 7B-2502(c)

Mark Botts

G.S. 7B-2502(c)

- “. . . the court shall refer the juvenile to the area mental health, developmental disabilities, and substance abuse services director for appropriate action.”
- “The area mental health, developmental disabilities, and substance abuse director is responsible for arranging an interdisciplinary evaluation of the juvenile and mobilizing resources to meet the juvenile's needs.”

Terminology and Functions—Who and What

Former	Current
<ul style="list-style-type: none"> • Area Mental Health, Developmental Disabilities, and Substance Abuse Authority  • Area Authority  • Area Director  	<ul style="list-style-type: none"> • Local Management Entity-Managed Care Organization • LME-MCO • CEO
<ul style="list-style-type: none"> • A provider of services paid for mostly with state general fund dollars  • Large amount of discretion on how state funds were spent.  	<ul style="list-style-type: none"> • Manager of services provided by <u>others</u> paid for mostly w/ <u>Medicaid</u> • Money spent only for what is “medically necessary” according to state clinical guidelines

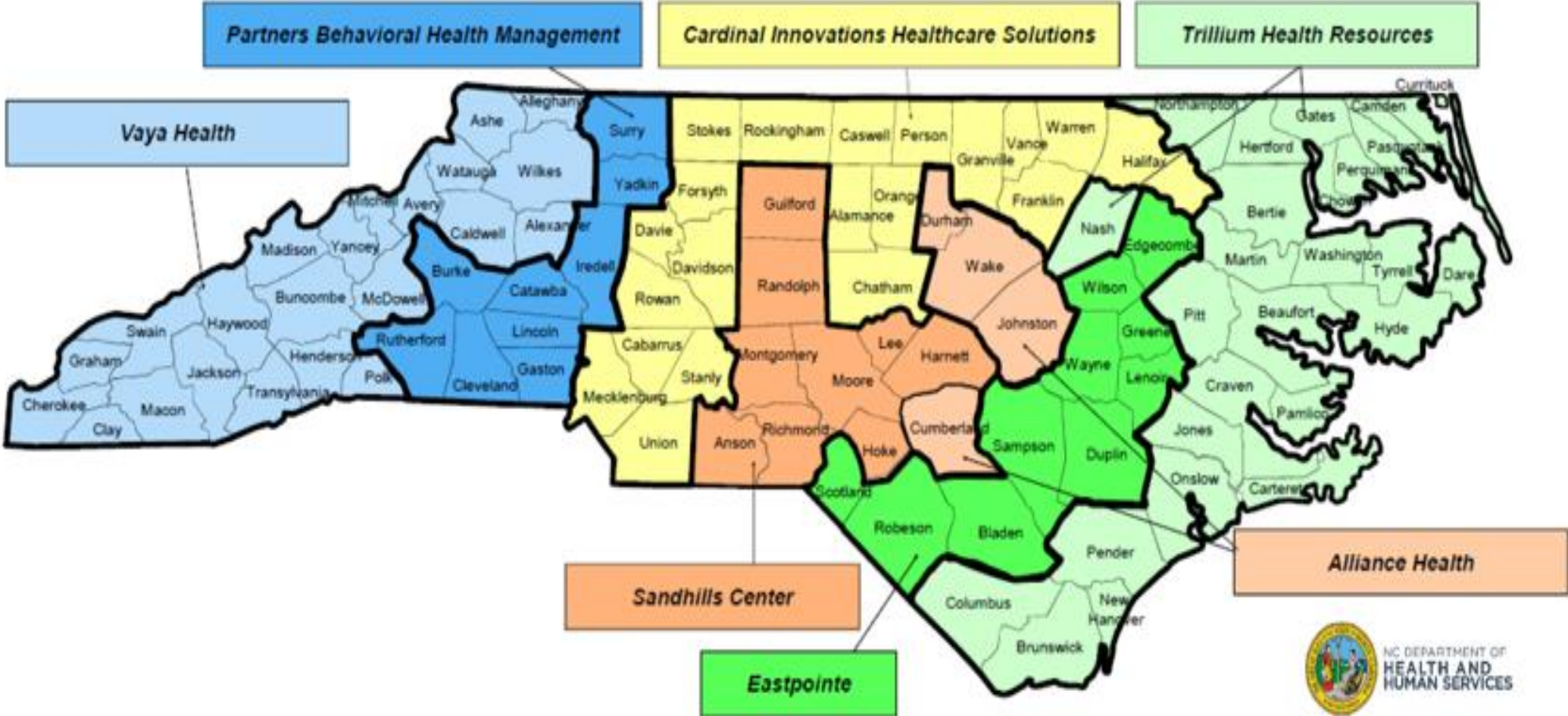
Local Management Entity Functions

“An LME shall

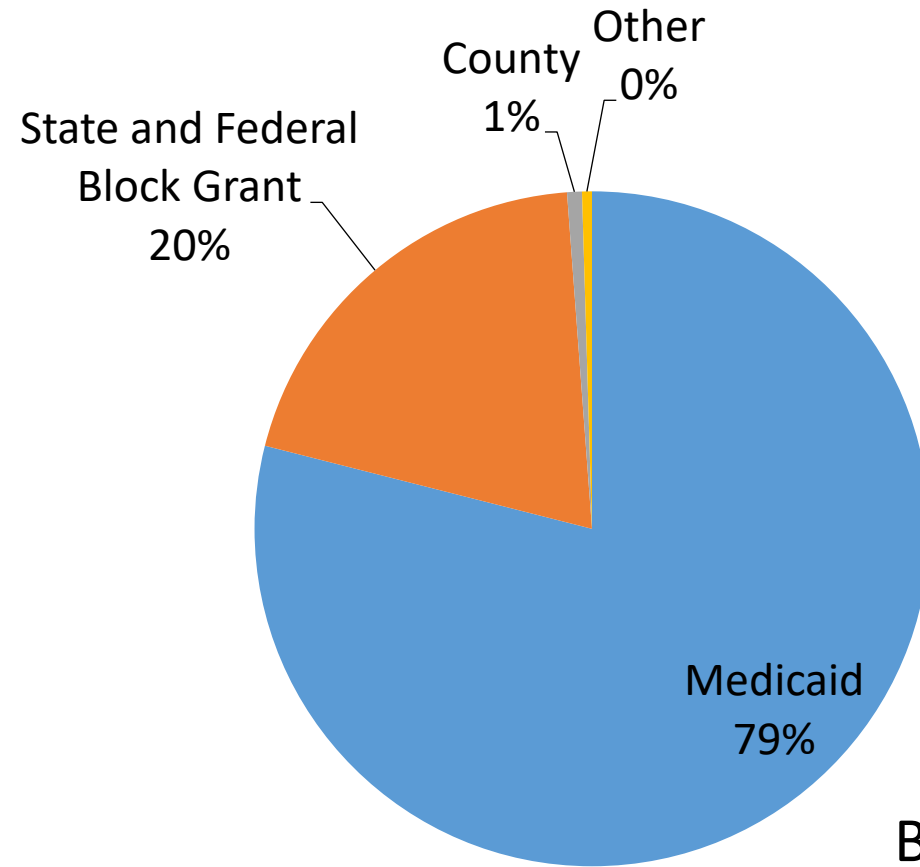
- plan, develop, implement, and monitor services provided by a network of contracted providers
- within a specified geographic area to ensure expected outcomes for consumers
- within available resources.”

G.S. 122C-115.4

LME-MCO Regions



Within Available Resources—Sources of Revenue for LME-MCOs



\$423 million

Sample LME-MCO
FY 2018-19
Budgeted Revenues By Source

Implement and Monitor Services –Service Authorization and Management



- Eligible individual?
- Covered service?
- Based on clinical assessment?
- Medically necessary?
- Qualified provider?
- Evidence that treatment helps?
- Other needed services?
- Outcomes over time?



LME

Provider

The LME-MCO and 7B-2502(c) Functions

Arrange for an Interdisciplinary Evaluation

- “Arrange for” doesn’t necessarily mean “conduct” or “perform”
- “Interdisciplinary evaluation” is not a term of art
- “A genuine inquiry into the nature of the needs of the juvenile . . . *prior to entry of any final disposition.*”

Mobilize Resources to Meet the Juvenile’s Needs

- “Mobilize”—to marshal, make ready, put into movement—doesn’t mean “provide.”
- “Resources”—treatment or services “to assist the juvenile toward becoming a nonoffending, responsible, and productive member of the community”
- N.C. Gen. Stat. § 7B-2502(c) “envisions the area mental health services director’s involvement in the juvenile’s disposition” *In re E.M.*, 823 S.E.2d 674 (2019)
- What if the juvenile does not qualify for services paid for by an LME-MCO?

In Re E.A., 833 S.E.2d 630

“The predisposition report referred to a clinical assessment completed by Haven House Services, which diagnosed Evan with conduct disorder, and recommended intensive outpatient services. [The assessment] stated that

- (1) Evan’s conduct disorder ‘causes clinically significant impairment in social, academic, or occupational functioning’;
- (2) Evan needs substance abuse treatment; and
- (3) Evan’s behavior indicates a need for additional mental health assessment and treatment.”

Trial Record Needs to Show:

- A referral to an area authority—when there is evidence of mental illness—*prior* to entry of final disposition
- That the LME-MCO was
 - involved in arranging the evaluation, and
 - involved in—or a participant in crafting—the juvenile’s disposition

Questions?

