



CHAPTER 122C  
ARTICLE 5 - PROCEDURES FOR ADMISSION AND DISCHARGE OF CLIENTS

N.C.G.S. § 122C-266.

(Effective until December 1, 2027) Inpatient commitment; second examination and treatment pending hearing.

| SOURCE                                                                   | LAST AMENDMENT IN THIS TEXT                               | RETRIEVED                    | SOURCE FINGERPRINT                                                           |
|--------------------------------------------------------------------------|-----------------------------------------------------------|------------------------------|------------------------------------------------------------------------------|
| General Statutes of North Carolina, as published by the General Assembly | S.L. 2025-93, s. 9.5(a) —<br>sixteenth act in the lineage | 21 September 2026, 02:13 UTC | 85610b43e8140cd5d3623396 -<br>55ad85969f70be5ee6141397 -<br>7e8397559580c5d0 |

- § 122C-266(a) Except as provided in subsections (b) and (e), within 24 hours of arrival at a 24-hour facility described in G.S. 122C-252, the respondent shall be examined by a physician. This physician shall not be the same physician who completed the certificate or examination under the provisions of G.S. 122C-262 or G.S. 122C-263. The examination shall include but is not limited to the assessment specified in G.S. 122C-263(c).
- (1) If the physician finds that the respondent is mentally ill and is dangerous to self, as defined by G.S. 122C-3(11)a., or others, as defined by G.S. 122C-3(11)b., the physician shall hold the respondent at the facility pending the district court hearing.

- (2) If the physician finds that the respondent meets the criteria for outpatient commitment under G.S. 122C-263(d)(1), the physician shall show these findings on the physician's examination report, release the respondent pending the district court hearing, and notify the clerk of superior court of the county where the petition was initiated of these findings. In addition, the examining physician shall show on the examination report the name, address, and telephone number of the proposed outpatient treatment physician or center. The physician shall give the respondent a written notice listing the name, address, and telephone number of the proposed outpatient treatment physician or center and directing the respondent to appear at that address at a specified date and time. The examining physician before the appointment shall notify by telephone and shall send a copy of the notice and the examination report to the proposed outpatient treatment physician or center.
- (3) If the physician finds that the respondent does not meet the criteria for commitment under either G.S. 122C-263(d)(1) or G.S. 122C-263(d)(2), the physician shall release the respondent and the proceedings shall be terminated.
- (4) If the respondent is released under subdivisions (2) or (3) of this subsection, the law enforcement officer or other person designated to provide transportation shall return the respondent to the respondent's residence in the originating county or, if requested by the respondent, to another location in the originating county.

**§ 122C-266(a1)**

The second examination of a respondent required by subsection (a) of this section to determine whether the respondent will be involuntarily committed due to mental illness may be conducted either in the physical face-to-face presence of a physician or utilizing telehealth equipment and procedures, provided that the physician who examines the respondent by means of telehealth is satisfied to a reasonable medical certainty that the determinations made in accordance with subdivisions (a)(1) through (a)(3) of this section would not be different if the examination had been done in the physical presence of the examining physician. An examining physician who is not so satisfied shall note that the examination was not satisfactorily accomplished, and the respondent shall be taken for a face-to-face examination in the physical presence of a physician. As used in this section, "telehealth" means the use of two-way, real-time interactive audio and video where the respondent and commitment examiner can hear and see each other.

**§ 122C-266(b)**

If the custody order states that the respondent was charged with a violent crime, including a crime involving assault with a deadly weapon, and that he was found incapable of proceeding, the physician shall examine him as set forth in subsection (a) of this section. However, the physician may not release him from the facility until ordered to do so following the district court hearing.

**§ 122C-266(c)** The findings of the physician and the facts on which they are based shall be in writing, in all cases. A copy of the findings shall be sent to the clerk of superior court (i) through the electronic filing system, if the county has implemented a system approved by the Director of the Administrative Office of the Courts, or (ii) by the most reliable and expeditious means otherwise available.

**§ 122C-266(d)** Pending the district court hearing, the physician attending the respondent may administer to the respondent reasonable and appropriate medication and treatment that is consistent with accepted medical standards. Except as provided in subsection (b) of this section, if at any time pending the district court hearing, the attending physician determines that the respondent no longer meets the criteria of either G.S. 122C-263(d)(1) or (d)(2), he shall release the respondent and notify the clerk of court and the proceedings shall be terminated.

**§ 122C-266(e)** If the 24-hour facility described in G.S. 122C-252 or G.S. 122C-262 is the facility in which the first examination by a physician or eligible psychologist occurred and is the same facility in which the respondent is held, the second examination shall occur not later than the following regular working day. (1973, c. 726, s. 1; c. 1408, s. 1; 1977, c. 400, s. 6; 1979, c. 915, s. 6; 1983, c. 380, s. 5; c. 638, ss. 9, 10; c. 864, s. 4; 1985, c. 589, s. 2; c. 695, s. 2; 1987, c. 596, s. 4; 1989 (Reg. Sess., 1990), c. 823, s. 6; 1991, c. 37, s. 9; 1995 (Reg. Sess., 1996), c. 739, s. 10(a), (b); 2021-77, s. 6(b); 2023-103, s. 13(c).)

§ 122C-266. (Effective December 1, 2027) Inpatient commitment; second examination and treatment pending hearing.

**§ 122C-266(a)** Except as provided in subsections (b), (b1), and (e), within 24 hours of arrival at a 24-hour facility described in G.S. 122C-252, the respondent shall be examined by a physician. This physician shall not be the same physician who completed the certificate or examination under the provisions of G.S. 122C-262 or G.S. 122C-263. The examination shall include but is not limited to the assessment specified in G.S. 122C-263(c).

- (1) If the physician finds that the respondent is mentally ill and is dangerous to self, as defined by G.S. 122C-3(11)a., or others, as defined by G.S. 122C-3(11)b., the physician shall hold the respondent at the facility pending the district court hearing.
- (2) If the physician finds that the respondent meets the criteria for outpatient commitment under G.S. 122C-263(d)(1), the physician shall show these findings on the physician's examination report, release the respondent pending the district court hearing, and notify the clerk of superior court of the county where the petition was initiated of these findings. In addition, the examining physician shall show on the examination report the name, address, and telephone number of the proposed outpatient treatment physician or center. The physician shall give the respondent a written notice listing the name, address, and telephone number of the proposed outpatient treatment physician or center and directing the respondent to appear at that address at a specified date and time. The examining physician before the appointment shall notify by telephone and shall send a copy of the notice and the examination report to the proposed outpatient treatment physician or center.
- (3) If the physician finds that the respondent does not meet the criteria for commitment under either G.S. 122C-263(d)(1) or G.S. 122C-263(d)(2), the physician shall release the respondent and the proceedings shall be terminated.
- (4) If the respondent is released under subdivisions (2) or (3) of this subsection, the law enforcement officer or other person designated to provide transportation shall return the respondent to the respondent's residence in the originating county or, if requested by the respondent, to another location in the originating county.

**§ 122C-266(a1)**

The second examination of a respondent required by subsection (a) of this section to determine whether the respondent will be involuntarily committed due to mental illness may be conducted either in the physical face-to-face presence of a physician or utilizing telehealth equipment and procedures, provided that the physician who examines the respondent by means of telehealth is satisfied to a reasonable medical certainty that the determinations made in accordance with subdivisions (a)(1) through (a)(3) of this section would not be different if the examination had been done in the physical presence of the examining physician. An examining physician who is not so satisfied shall note that the examination was not satisfactorily accomplished, and the respondent shall be taken for a face-to-face examination in the physical presence of

a physician. As used in this section, "telehealth" means the use of two-way, real-time interactive audio and video where the respondent and commitment examiner can hear and see each other.

**§ 122C-266(b)** If the custody order states that the respondent was charged with a violent crime, including a crime involving assault with a deadly weapon, and that he was found incapable of proceeding, the physician shall examine him as set forth in subsection (a) of this section. However, the physician may not release him from the facility until ordered to do so following the district court hearing.

**§ 122C-266(b1)** If the custody order states that the respondent has had a conviction for a violent offense, as defined in G.S. 15A-531, within the previous 10 years, and has been subject to a prior order of involuntary commitment within the previous five years, the physician shall examine the respondent as set forth in subsection (a) of this section. However, the physician may not release the respondent from the facility until one of the following criteria are met:

- (1) The court has ordered the respondent's release following the district court hearing.
- (2) Both of the following has occurred:
  - a. The physician has provided written certification to the court of all of the following:
    1. The imminent risk has been remitted.
    2. Any necessary follow-up appointments or medications have been arranged or provided.
    3. Any necessary safety plan or housing plan is in place.
    4. Reasonable efforts have been made to contact the next of kin or a designated support person for the respondent.
  - b. A district court judge has issued an order authorizing release prior to the district court hearing.

**§ 122C-266(c)** The findings of the physician and the facts on which they are based shall be in writing, in all cases. A copy of the findings shall be sent to the clerk of superior court (i) through the electronic filing system, if the county has implemented a system approved by the Director of the Administrative Office of the Courts, or (ii) by the most reliable and expeditious means otherwise available.

**§ 122C-266(d)**

Pending the district court hearing, the physician attending the respondent may administer to the respondent reasonable and appropriate medication and treatment that is consistent with accepted medical standards. Except as provided in subsection (b) of this section, if at any time pending the district court hearing, the attending physician determines that the respondent no longer meets the criteria of either G.S. 122C-263(d)(1) or (d)(2), he shall release the respondent and notify the clerk of court and the proceedings shall be terminated.

**§ 122C-266(e)**

If the 24-hour facility described in G.S. 122C-252 or G.S. 122C-262 is the facility in which the first examination by a physician or eligible psychologist occurred and is the same facility in which the respondent is held, the second examination shall occur not later than the following regular working day.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I  
16 ACTS

## Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



| Nº | YEAR | ACT                                   | CHARACTER |
|----|------|---------------------------------------|-----------|
| 01 | 1973 | c. 726, s. 1                          | ENACTED   |
| 02 | 1973 | c. 1408, s. 1                         | AMENDED   |
| 03 | 1977 | c. 400, s. 6                          | AMENDED   |
| 04 | 1979 | c. 915, s. 6                          | AMENDED   |
| 05 | 1983 | c. 380, s. 5                          | AMENDED   |
| 06 | 1983 | c. 638, ss. 9, 10                     | AMENDED   |
| 07 | 1983 | c. 864, s. 4                          | AMENDED   |
| 08 | 1985 | c. 589, s. 2                          | AMENDED   |
| 09 | 1985 | c. 695, s. 2                          | AMENDED   |
| 10 | 1987 | c. 596, s. 4                          | AMENDED   |
| 11 | 1987 | 1989 (Reg. Sess., 1990), c. 823, s. 6 | AMENDED   |

|    |      |                                                |         |
|----|------|------------------------------------------------|---------|
| 12 | 1991 | c. 37, s. 9                                    | AMENDED |
| 13 | 1991 | 1995 (Reg. Sess., 1996), c. 739, s. 10(a), (b) | AMENDED |
| 14 | 2021 | S.L. 2021-77, s. 6(b)                          | AMENDED |
| 15 | 2023 | S.L. 2023-103, s. 13(c)                        | AMENDED |
| 16 | 2025 | S.L. 2025-93, s. 9.5(a)                        | AMENDED |

APPARATUS II  
9 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

| REFERENCE                     | APPEARS IN | OPERATIVE LANGUAGE IN THIS SECTION                      |
|-------------------------------|------------|---------------------------------------------------------|
| G.S. 122C-252                 | (a)        | <i>"at a 24-hour facility described in"</i>             |
| G.S. 122C-262                 | (a)        | <i>"or examination under the provisions of"</i>         |
| G.S. 122C-263                 | (a)        | <i>"the provisions of G.S. 122C-262 or"</i>             |
| G.S. 122C-263(c)              | (a)        | <i>"limited to the assessment specified in"</i>         |
| G.S. 122C-3(11)               | (a)(1)     | <i>"dangerous to self, as defined by"</i>               |
| G.S. 122C-263(d)(1)           | (a)(2)     | <i>"the criteria for outpatient commitment under"</i>   |
| G.S. 122C-263(d)(2)           | (a)(3)     | <i>"commitment under either G.S. 122C-263(d)(1) or"</i> |
| G.S. 122C-263(d)(1) or (d)(2) | (d)        | <i>"longer meets the criteria of either"</i>            |
| G.S. 15A-531                  | (b1)       | <i>"a violent offense, as defined in"</i>               |

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 122C-266 (2025).

PINPOINT

N.C. Gen. Stat. § 122C-266(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

## COLOPHON

## Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

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#### HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 726, s. 1; c. 1408, s. 1; 1977, c. 400, s. 6; 1979, c. 915, s. 6; 1983, c. 380, s. 5; c. 638, ss. 9, 10; c. 864, s. 4; 1985, c. 589, s. 2; c. 695, s. 2; 1987, c. 596, s. 4; 1989 (Reg. Sess., 1990), c. 823, s. 6; 1991, c. 37, s. 9; 1995 (Reg. Sess., 1996), c. 739, s. 10(a), (b); 2021-77, s. 6(b); 2023-103, s. 13(c); 2025-93, s. 9.5(a).)

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NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

