



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

N.C.G.S. § 122C-283.

Duties of law enforcement officer; first examination by commitment examiner.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2023-103, s. 13(d) — seventeenth act in the lineage	21 September 2026, 03:33 UTC	6e23636ea8e8328135920c8b - f993206e91f068c14b9fa892 - 6bd799f097dde26f

§ 122C-283(a) Without unnecessary delay after assuming custody, the law enforcement officer or the individual designated or required to provide transportation under G.S. 122C-251(g) shall take the respondent to a facility or other location identified by the LME/MCO in the community crisis services plan adopted pursuant to G.S. 122C-202.2 that has an available commitment examiner and is capable of performing a first examination in conjunction with a health screening in the same location, unless circumstances indicate the respondent appears to be suffering a medical emergency in which case the law enforcement officer will seek immediate medical assistance for the respondent. If a commitment examiner is not available, whether on-site, on-call, or via telehealth, at any facility or location, or if a plan has not been adopted, the person designated to provide transportation shall take the respondent to an alternative non-hospital provider or facility-based crisis center for a first examination in conjunction with a health screening at the same location. If no non-hospital provider or facility-based crisis center for a first examination in conjunction with a health screening at the same location, the person designated to provide transportations shall take the respondent to a private hospital or clinic, a general hospital, an acute care hospital, or a State facility for individuals with mental illnesses. If a commitment examiner is not immediately available, the respondent may be temporarily detained in an area facility if one is available; if an area facility is not available, the respondent may be detained under appropriate supervision, in the respondent's home, in a private hospital or a clinic, or in a general hospital, but not in a jail or other penal facility. For the purposes of this section, "non-hospital provider" means an outpatient provider that provides either behavioral health or medical services.

§ 122C-283(b) The examination set forth in subsection (a) of this section is not required if:

- (1) The affiant who obtained the custody order is a physician or eligible psychologist; or
- (2) The respondent is in custody under the special emergency procedure described in G.S. 122C-282.

In these cases when it is recommended that the respondent be detained in a 24-hour facility, the law-enforcement officer shall take the respondent directly to a 24-hour facility described in G.S. 122C-252.

§ 122C-283(c) The commitment examiner described in subsection (a) of this section shall examine the respondent as soon as possible, and in any event within 24 hours, after the respondent is presented for examination. The examination performed by a commitment examiner pursuant to subsection (a) of this section may be performed either in the physical face-to-face presence of the commitment examiner or utilizing telehealth equipment and procedures. A commitment examiner who examines a respondent by means of telehealth must be satisfied to a reasonable medical certainty that the determinations made in accordance with subsection (d) of this section would not be different if the examination had been conducted in the physical presence of the commitment examiner. A commitment examiner 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 person authorized to perform examinations under this section. As used in this section, "telehealth" is the use of two-way, real-time interactive audio and video where the respondent and commitment examiner can hear and see each other. A recipient is referred by one provider to receive the services of another provider via telehealth. The examination shall include but is not limited to an assessment of all of the following:

- (1) The respondent's current and previous substance abuse including, if available, previous treatment history.
- (2) The respondent's dangerousness to self or others as defined in G.S. 122C-3(11).

§ 122C-283(d) After the conclusion of the examination the physician or eligible psychologist shall make the following determinations:

- (1) If the physician or eligible psychologist finds that the respondent is a substance abuser and is dangerous to himself or others, he shall recommend commitment and whether the respondent should be released or be held at a 24-hour facility pending hearing and shall so show on [the] his examination report. Based on the physician's or eligible psychologist's recommendation the law-enforcement officer or other designated individual shall take the respondent to a 24-hour facility described in G.S. 122C-252 or release the respondent.
- (2) If the physician or eligible psychologist finds that the condition described in subdivision (1) of this subsection does not exist, the respondent shall be released and the proceedings terminated.

§ 122C-283(e)

The findings of the physician or eligible psychologist and the facts on which they are based shall be in writing in all cases. A copy of the findings made by the physician or eligible psychologist and the commitment examiner 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. If it cannot be reasonably anticipated that the clerk will receive the copy within 48 hours of the time that it was signed, the physician or eligible psychologist shall also communicate his findings to the clerk by telephone.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
17 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. 4	AMENDED
04	1977	c. 679, s. 8	AMENDED

05	1977	c. 739, s. 1	AMENDED
06	1979	c. 358, s. 27	AMENDED
07	1979	c. 915, s. 4	AMENDED
08	1983	c. 380, ss. 4, 10	AMENDED
09	1983	c. 638, ss. 6, 7, 25.1	AMENDED
10	1983	c. 864, s. 4	AMENDED
11	1985	c. 589, s. 2	AMENDED
12	1985	c. 695, ss. 2, 9	AMENDED
13	2018	S.L. 2018-33, s. 34	AMENDED
14	2018	S.L. 2018-76, s. 3.2(b)	AMENDED
15	2019	S.L. 2019-177, s. 7(b)	AMENDED
16	2021	S.L. 2021-77, s. 6(c)	AMENDED
17	2023	S.L. 2023-103, s. 13(d)	AMENDED

APPARATUS II
5 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-251(g)	(a)	<i>"or required to provide transportation under"</i>
G.S. 122C-202.2	(a)	<i>"crisis services plan adopted pursuant to"</i>
G.S. 122C-282	(b)(2)	<i>"the special emergency procedure described in"</i>
G.S. 122C-252	(b)	<i>"to a 24-hour facility described in"</i>
G.S. 122C-3(11)	(c)(2)	<i>"self or others as defined in"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 122C-283 (2023).

PINPOINT

N.C. Gen. Stat. § 122C-283(a) (2023).

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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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 726, s. 1; c. 1408, s. 1; 1977, c. 400, s. 4; c. 679, s. 8; c. 739, s. 1; 1979, c. 358, s. 27; c. 915, s. 4; 1983, c. 380, ss. 4, 10; c. 638, ss. 6, 7, 25.1; c. 864, s. 4; 1985, c. 589, s. 2; c. 695, ss. 2, 9; 2018-33, s. 34; 2018-76, s. 3.2(b); 2019-177, s. 7(b); 2021-77, s. 6(c); 2023-103, s. 13(d).)

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