

## Diversion Law (Senate Bill 859) Fact Sheet

- Senate Bill 859, Diversion Law, was passed in 1997 as a component of evidence to be submitted to Federal Court in North Carolina's request for relief from the oversight of a Special Master and to dismiss the Thomas S. Class Action Lawsuit. SB 859 is intended to demonstrate North Carolina's commitment to preventing state psychiatric hospital admissions for individuals with an intellectual disability (IQ < 70). Other Developmental Disability diagnoses (e.g. Autism) do NOT apply. And do not require a diversion exception.
- **Diversion Law prohibits the admission of individuals with intellectual disability, or suspected intellectual disability, and a co-occurring mental illness, to state psychiatric hospitals unless one of these limited exceptions is met:**
  - 1) Court committed persons who have been charged with a violent crime and have been found incapable to proceed to trial (HB-95).
  - 2) Court committed persons who have been found not guilty by reason of insanity.
  - 3) Individuals who are so extremely dangerous as to pose a serious threat to others in the community or to other patients in community hospitals, as determined by the Division.
  - 4) Individuals who are so gravely disabled by both multiple disorders (MI and ID) and medical fragility.
  - 5) Individuals with these multiple disorders (MI and ID) and deafness that alternative care is inappropriate, as determined by the Division.
- These limited Diversion Law exceptions do not include dangerousness to self or property.
- Diversion Law *does not* change the responsibility of the examiner to determine whether or not the person meets criteria for involuntary commitment nor does it allow the Division or the LME to make that determination.
- Diversion Law indicates where a person with intellectual disability may be admitted pursuant to an involuntary commitment.
- Requesting an Exception to SB 859, allowing a person with intellectual disability to be admitted to a State hospital, must be a last resort after all other (non-State hospital) options have been exhausted.
- Exceptions must be granted by the Director of the Division of MH/DD/SAS or his/her designee(s). The Director's designees are authorized individuals from each of the state's LME/MCOs. You can reach an Alliance Health designee by calling (800) 510-9132 or by fax at (919) 651-8668.