

10.2 Procedures for Admission and Discharge

A. Application for Admission

Any competent adult may voluntarily seek admission at a 24-hour facility for treatment of a mental illness. The individual must appear at the facility and sign a written application for admission. An evaluation is required prior to admission to “determine whether the individual is in need of care, treatment, habilitation or rehabilitation for mental illness or substance abuse or further evaluation by the facility.” N.C. GEN. STAT. § 122C-211(a) (hereinafter G.S.). Note, however, that a private physician or facility is not required to accept a person for treatment or evaluation. G.S. 122C-209.

Voluntary admission to a Veteran’s Administration facility generally follows the procedures described above for competent adults. G.S. 122C-331. The Veteran’s Administration may impose additional requirements for admission consistent with Chapter 122C of the North Carolina General Statutes. *Id.*

B. Discharge and Notice of Provision for 72-Hour Hold

Persons voluntarily admitted to locked treatment facilities, termed 24-hour facilities by statute, are generally required to be released upon written request. G.S. 122C-212(a). A crucial exception is that the facility is allowed to hold an individual for up to seventy-two hours after a written request for discharge. G.S. 122C-212(b). This information must be included in the written application for voluntary admission. G.S. 122C-211(b).

C. 24-Hour Evaluation

A person voluntarily admitted to a 24-hour facility that provides treatment that includes medical care must be evaluated by a facility physician within twenty-four hours of admission. The evaluation must include a determination of the need for treatment of mental illness and whether the person will benefit from the available treatment. G.S. 122C-211(c). If medical treatment is not a part of the treatment offered, the person is to be medically evaluated within thirty days if treatment is anticipated to continue more than thirty days. This requirement is waived if there is a physical examination report signed by a physician within the preceding twelve months of admission. G.S. 122C-211(d).

D. No Provision for Attorney or Transportation

There is no constitutional or statutory requirement for provision of counsel for a person voluntarily seeking admission to a 24-hour facility. Neither is there a provision for the city or county to provide transportation to the facility for admission or upon discharge.

E. No Hearing Required

There are no court proceedings upon the voluntary admission of a competent adult to a 24-hour facility. Court proceedings are instituted only if a written request for discharge is

made and the facility institutes involuntary commitment procedures during a seventy-two-hour hold. *See supra* § 10.2B.