



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

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**LME/MCO Joint Communication Bulletin # J419**

**DATE:** June 3, 2022

**TO:** Local Management Entities/Managed Care Organizations (LME/MCOs)

**FROM:** Sam Hedrick, DHHS Senior Advisor to the Secretary for ADA and Olmstead  
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**SUBJECT: Transitions to Community Living (TCL) Eligibility with Co-Occurring Diagnoses and Change in TCL Terminology**

This bulletin clarifies three topics related to Transitions to Community Living (TCL).

- TCL eligibility guidance for individuals with a serious mental illness (SMI) and/or severe and persistent mental illness (SPMI) and co-occurring conditions such as intellectual and/or developmental disabilities (IDD), substance use disorders (SUD), and/or complex medical conditions.
- TCL eligibility for individuals who exhibit dangerous or potentially dangerous behaviors.
- Participation terminology in all forms of communication regarding TCL.

**Determination of TCL Eligibility for Individuals with Co-Occurring Diagnoses**

[Section II.\(E\) of the 2012 North Carolina Settlement Agreement with the United States Department of Justice](#), herein referred to as the Settlement Agreement states, “SPMI and SMI specifically include individuals who otherwise satisfy the relevant criteria and who have a co-occurring condition, such as a substance abuse disorder, developmental disability, acquired brain injury or other condition.”

The Settlement Agreement also affirms that the severity of the person’s condition does not exempt them from eligibility in Section III.(E)(8)i after spelling out that barriers to transition must be identified, the Settlement Agreement states, “Such barriers shall not include the individual’s disability or the severity of the disability.”

The following clarifications provide further guidance to facilitate determinations of TCL eligibility:

1. The presence of the SPMI and/or SMI fulfills TCL’s mental illness eligibility criteria; therefore, the designation of these diagnoses as primary or secondary is not relevant to TCL eligibility.

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES**

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2. An individual with co-occurring SPMI and/or SMI and an IDD diagnosis is TCL eligible.
3. Aggressive, sexual, and/or criminal behaviors resulting from an SPMI/SMI do not by themselves exclude a person from TCL.
4. Substance Use Disorders (SUD) with accompanying SPMI and/or SMI do not exclude an individual from TCL eligibility including if they are receiving Medication Assisted Treatment, such as methadone, suboxone, naltrexone, or similar SUD treatments.
5. Alzheimer's disease, dementia, or acquired brain injury are the only medical diagnoses mentioned in the Settlement Agreement that if present in the individual's diagnostic array would cause a person to be ineligible for TCL.

### **Referral to Local and State Barriers Committees**

The Department recognizes the difficult task of constructing complex service and support arrays for individuals with co-occurring disorders or conditions that pose a potential threat. Often this requires internal referral to an LME/MCO's local barriers committee, clinical review team, or other expert resources to create a person-centered yet intensive service plan to support transition into the permanent supported housing, employment, and community inclusion afforded in the Settlement Agreement.

When barriers cannot be solved at the local level, LME/MCOs, agencies, providers, guardians, and individuals should elevate these barriers to the TCL State Barriers Committee by emailing [olmstead.barriers@dhhs.nc.gov](mailto:olmstead.barriers@dhhs.nc.gov). If you have any questions, please contact Brad Owen, Olmstead Discharge and Transition Manager, at 919-609-1608 or [brad.owen@dhhs.nc.gov](mailto:brad.owen@dhhs.nc.gov).

### **Change in Terminology**

The acronym for Transition to Community Living, "TCL", should replace "TCLI" in all official communication. The use of the abbreviation "I" for "Initiative" has been discontinued. All internal and external communication should be updated, including but not limited to communications with individuals, guardians, providers, agencies, and facilities.

If you have any questions, please contact Tamara Smith, Community Transitions and Integration (CTI) Team Lead at 984-236-5153 or [tamara.smith@dhhs.nc.gov](mailto:tamara.smith@dhhs.nc.gov) or contact Brad Owen at 919-609-1908 or [brad.owen@dhhs.nc.gov](mailto:brad.owen@dhhs.nc.gov).

Previous bulletins can be accessed at: [www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins](http://www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins)

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