

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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SENATE BILL 410

Short Title: Hospital Petition/Discharge Incapable Adults. (Public)

Sponsors: Senators Sawrey and Adcock (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 25, 2025

A BILL TO BE ENTITLED
AN ACT AUTHORIZING HOSPITALS TO PETITION THE COURT FOR APPROVAL TO
DISCHARGE INCAPACITATED ADULT PATIENTS IN CASES IN WHICH PERSONS
AUTHORIZED TO MAKE HEALTH CARE DECISIONS ON BEHALF OF THESE
PATIENTS ARE UNWILLING TO CONSENT TO DISCHARGE.

The General Assembly of North Carolina enacts:

SECTION 1. Part 4 of Article 5 of Chapter 131E of the General Statutes is amended
by adding a new section to read:

**"§ 131E-90.5. Petitions by hospitals to make discharge decisions for incapacitated adult
patients.**

In the absence of a person authorized under G.S. 90-21.13(c) who is willing to make health
care decisions or consent to discharge on behalf of a patient who lacks capacity to make or
communicate health care decisions, the hospital providing treatment or service to the patient may
petition the superior court in the county in which the hospital is located, with or without the
assistance of legal counsel, for an order authorizing the discharge of the patient as ordered by the
attending physician only if the attending physician has the written concurrence of a second
physician licensed to practice medicine in this State. A hospital shall not file a petition under this
section sooner than five business days after receiving the written concurrence of the second
physician. The court shall issue an order granting or denying a petition filed under this section
within five business days after receipt of the petition. This section applies only to patients who
are 18 years of age or older."

SECTION 2. This act becomes effective October 1, 2025.



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