

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.1(a3) that the Commission for Mental Health/DD/SAS intends to amend the rule cited as 10A NCAC 28F .0101.

Codifier of Rules received for publication the following notice and proposed temporary rule(s) on: August 28, 2023.

Public Hearing:

Date: September 12, 2023

Time: 1:00 p.m. - 3:00 p.m.

Location: Division of MH/DD/SUS, Bath Bldg. Conference Room 107 306 N. Wilmington St. Raleigh, NC 27601

Reason for Proposed Temporary Action: The effective date of a recent act of the General Assembly or of the U.S. Congress, cite: S.L. 2023-3, effective date: March 10, 2023. S.L. 2023-3 amended G.S. 122C-181, Secretary's jurisdiction over State Facilities. Specifically, S.L. 2023-3 repealed 122C-181(a)(3)d., thereby eliminating R.J. Blackley Alcohol and Drug Treatment Center as a State facility; the session law indicated that R.J. Blackley was to cease State-operation effective March 1, 2023. The proposed amendment of Rule 10A NCAC 28F .0101 effectuates realignment of the counties previously served by the R.J. Blackley Center.

Comment Procedures: Comments from the public shall be directed to: Denise Baker, 3001 MSC, Raleigh, NC, NC 27699-3001; email dmhddsasrules@dhhs.nc.gov. The comment period begins September 6, 2023 and ends September 27, 2023.

CHAPTER 28 - MENTAL HEALTH, STATE OPERATED FACILITIES AND SERVICES

SUBCHAPTER 28F – ADMISSION AND DISCHARGE

SECTION .0100 - ADMISSIONS

10A NCAC 28F .0101 REGIONS FOR DIVISION INSTITUTIONAL ADMISSIONS

(a) Except as otherwise provided in rules codified in this Chapter and Chapters 26 through 29 of this Title and except for State-wide programs and cross-regional admissions approved by the Division Director based upon the clinical need of the individual or for the purpose of accessing available beds or services, a person seeking admission to a regional institution of the Division shall be admitted only to the institution which serves the region of the state which includes the person's "county of residence" as defined in G.S. 122C-3.

(b) For state operated ~~facilities~~, hospitals and developmental centers, the regions of the state and the counties which constitute the regions are as follows:

- (1) Western Region: Broughton Hospital, ~~Julian F. Keith Alcohol and Drug Abuse Treatment Center (ADATC)~~, and J. Iverson Riddle Developmental Center shall serve Alleghany, Alexander, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Madison, McDowell, Mecklenburg, Mitchell, Polk, Rowan, Rutherford, Stanly, Surry, Swain, Transylvania, Union, Watauga, Wilkes, Yadkin, and Yancey County;
- (2) Central Region: Central Regional Hospital, Murdoch Developmental Center, ~~R. J. Blackley ADATC~~, Whitaker ~~School~~, Psychiatric Residential Treatment Program (PRTF), and Wright School shall serve Alamance, Anson, Caswell, Chatham, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Halifax, Harnett, Hoke, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Stokes, Vance, Wake, and Warren County; and
- (3) Eastern Region: Cherry Hospital, Caswell Developmental Center, and ~~Walter B. Jones ADATC~~ shall serve Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Gates, Greene, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Scotland, Tyrrell, Washington, Wayne, and Wilson County.

(c) For state-operated Alcohol and Drug Abuse Treatment Centers (ADATCs) the regions of the state and the counties which constitute the regions are as follows:

- (1) Western Region: Julian F. Keith ADATC shall serve Alleghany, Alexander, Anson, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Madison, McDowell, Mecklenburg, Mitchell, Montgomery, Polk, Randolph, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Watauga, Wilkes, Yadkin, and Yancey County;
- (2) Eastern Region: Walter B. Jones ADATC shall serve Alamance, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Richmond, Robeson, Rockingham, Sampson, Scotland, Tyrrell, Washington, Wayne, and Wilson County.

Authority G.S. 122C-3; 143B-147; S.L. 2023-3.