

## North Carolina Department of Health and Human Services Division of Mental Health, Developmental Disabilities and Substance Abuse Services

Pat McCrory Governor Aldona Z. Wos, M.D. Ambassador (Ret.) Secretary DHHS

> Dave Richard Division Director

March 7, 2014

### **MEMORANDUM**

TO:

Abigail M. Hammond, Commission Counsel

**Rules Review Commission** 

FROM:

W. Denise Baker, Rulemaking Coordinator

RE:

Withdrawal of Rule from Rules Review Commission

During its February 27, 2014 meeting, the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services discussed the objection by the Rules Review Commission to the proposed amendment of Rule 10A NCAC 27G .0504, *Client Rights Committee*.

Pursuant to the procedure established by N.C.G.S. §150B-21.12, the Commission hereby withdraws Rule 10A NCAC 27G .0504, *Client Rights Committee*, from consideration by the Rules Review Commission

Thank you for your consideration of our request. Please do not hesitate to contact me with any questions or concerns you may have.

c: J. Gregory Olley, Ph.D., Chair, Commission for MH/DD/SAS
Dave Richard
Steven E. Hairston
Commission Members



From: Baker, Denise
To: Hammond, Abigail M
Subject: Withdrawal of Rule from RRC
Date: Friday, March 07, 2014 5:27:04 PM
Attachments: ClientRightsRuleDecision.pdf

### Abigail -

At its recent meeting, the Commission for MH/DD/SAS decided to withdraw the Client Rights Rule from consideration by the RRC. Please advise if you have questions or need additional information.

Thank you,

Denise

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From: <u>Baker, Denise</u>
To: <u>Hammond, Abigail M</u>

Subject: RE: Emailing: Comm for Mental Health objection - January 2014.doc

**Date:** Friday, February 07, 2014 10:28:55 AM

#### Good morning Abby -

Our Commission will not meet until February 27th. The members will discuss the rule at that time. Until then, I have no new submissions. However, I would like to submit the rule to you for review and feedback early next week if you don't mind.

Thank you, Denise

W. Denise Baker, M.A., L.P.A., Esq. N.C. Department of Health and Human Services Team Leader, Division Affairs Team, Division of MH/DD/SAS 3018 Mail Service Center Raleigh, NC 27699-3018 Phone: 919-715-2780

Fax: 919-508-0973

Email: denise.baker@dhhs.nc.gov

DMH/DD/SAS Website: <a href="http://www.ncdhhs.gov/mhddsas/">http://www.ncdhhs.gov/mhddsas/</a>

----Original Message-----From: Hammond, Abigail M

Sent: Wednesday, February 05, 2014 1:14 PM

To: Baker, Denise

Subject: FW: Emailing: Comm for Mental Health objection - January 2014.doc

Good afternoon Denise,

I wanted to follow up on the letter from last month and to see if you have any update about the status of MH/DD/SAS's rule 10A NCAC 27G .0504. Please note that I will be out of the office for the next few days for a funeral and then I have a conference scheduled for the latter part of next week. I will be accessible by email while I am out of state for both events. If there are any documents that have been updated and that are available for review so that we are track for this month's RRC meeting, that would be wonderful. If you are going to be unable to make this month's meeting, as I seem to recall a potential issue with meeting dates, please provide the reason in writing and any requested relief. I will update the Commission.

If you have any questions or concerns, please let me know.

Thank you, Abby

Abigail M. Hammond Counsel to the Rules Review Commission Office of Administrative Hearings Direct Dial: (919) 431-3076

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----Original Message-----From: Hammond, Abigail M Sent: Thursday, January 16, 2014 3:17 PM

To: Baker, Denise Cc: Chalmers, Tammara

Subject: Emailing: Comm for Mental Health objection - January 2014.doc

Good afternoon Denise,

I hope that you are doing well. Thank you for addressing the Commission this morning. It is often helpful to have the agency or commission available to address specific concerns, such as Commissioner's Dunklin's question, as they arise at the meetings. Please see the attached letter in response to the rule before the Rules Review Commission for today's meeting. Please let me know if you have any questions or concerns.

Thank you, Abby

Abigail M. Hammond Counsel to the Rules Review Commission Office of Administrative Hearings Direct Dial: (919) 431-3076

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Comm for Mental Health objection - January 2014.doc

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# STATE OF NORTH CAROLINA OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address: 6714 Mail Service Center Raleigh, NC 27699-6714 Street address: 1711 New Hope Church Rd Raleigh, NC 27609-6285

January 16, 2014

W. Denise Baker Rule-making Coordinator Commission for Mental Health, Development Disabilities and Substance Abuse Services 3018 Mail Service Center Raleigh, North Carolina 27699-3018

Re: 10A NCAC 27G .0504

Dear Ms. Baker:

At the Rules Review Commission's January 16, 2014 meeting, the Commission objected to the above-captioned rule in accordance with G.S. 150B-21.10.

The Commission objected to Rule 10A NCAC 27G .0504 based on lack of statutory authority, as there does not appear to be any authority for the Commission for Mental Health, Development Disabilities and Substance Abuse Services to alter the language of G.S. 122C-64 as set forth in Subparagraph (b)(5) of the Rule.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Chicking M. Hammond

Abigail M. Hammond Commission Counsel

### **REQUEST FOR TECHNICAL CHANGE**

AGENCY: NC COMMISSION FOR MH / DD / SAS

RULE CITATION: 10A NCAC 27G .0504

DEADLINE FOR RECEIPT: Friday, January 10, 2014

<u>NOTE WELL:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Delete the page number for page 1.

Throughout the entire rule "client" has been deleted and replaced with "consumer." G.S. 122C-64 specifically references "client" and there is no mention of "consumer." Delete "consumer" and maintain "client."

Re-number the numbered lines on the left margin for pages 2 through 5, beginning with "1" on each page. See 26 NCAC 02C .0108(1)(h).

Properly track all changes made since publication. Specifically, all text that was proposed to be added and is now being deleted should be bracketed. See 26 NCAC 02C .0405(b). Review the entire rule as published on September 4, 2012 in 27:05 NCR 562, but here are a few examples:

Line 47 has "Local Management Entity (LME)" both underlined and struck through. It should be bracketed, struck through, and no underlining.

Line 56 has a comma after "governing" that was not in the publication. Delete the comma

Line 59 has "percent" spelled out in the publication and a symbol in the adoption. Spell out the word and do not use symbols.

Line 64 has text that is not properly bracketed or underlined.

Line 81 has text that is both underlined and struck through.

For all the technical changes, be certain to properly track all changes made since publication. See 26 NCAC 02C .0405(b).

Capitalize "Paragraph" and "Rule" when the reference is to this proposed text, as in lines 49, 50, 62, 85, 89, 102, 107, 125, 129, 132, and 158.

Line 50 references "Provider" and is redefining the term. Where is the initial definition that necessitates this distinction?

Line 50 references mental health hospitals being "accredited." Who is accrediting the hospitals?

Line 51 references Licensed Independent Practitioner. Where is the definition of this term?

Lines 53, 87, and 148, the acronym mh/dd/sa should be capitalized to properly track the statute. Please note that the acronym on line 148 is incorrect, and the third letter should be a "d"

The language in lines 56 through 57 should mirror the language in lines 108 through 109, with the additional change of replacing "which delineate" with the phrase "that include the following:"

"The LME-MCO governing body shall adopt policies governing committee membership and operating procedures that include the following:"

Paragraphs (b) and (e) contain the same information and appear duplicative. Consider combining the lists. Alternatively, the lists should be structured in a similar format.

On line 58, are the non-board members allowed to be providers?

On line 59, the symbol "%" should be spelled out as "percent" as reflected in the publication.

On lines 60 and 63, should the phrase "of consumers" be added to families? As written, any family could quality, regardless of association.

Line 63 is unclear and appears to be an aspirational statement. Are there standards for scheduling meetings, such as distance to travel, length of meeting, appearance by telephone, etc.?

Line 64, why is there text not underlined that was underlined in publication?

On line 65, add "the" before "minimum and maximum."

On line 66, add a comma after "process"

Delete the period at the end of line 72 and replace with a semicolon.

Add "the" before "procedure" on line 73.

Line 74, when is the training and orientation? Based upon line 157, this sentence appears more correctly written as follows:

"initial orientation and annual training of committee members:"

Add "the" before the first word on lines 75 through 78.

On line 76, delete "which" and replace with "that." Add "held" between "be at."

On line 77, correct the alignment. Also, delete "which" and replace with "that"

On line 79, make "assurance" plural.

Line 80 appears to reference a specific set of rules and should be capitalized. Consider re-writing the sentence as follows:

"compliance with 10A NCAC 26B, Confidentiality Rules;"

Lines 81 and 82, there should be semicolons after "LME-MCO" and "governing board"

Paragraphs (c) and (f) contain the same information and appear duplicative. Consider combining the lists. Alternatively, the lists should be structured in a similar format.

In line 87, is the term "catchment area" commonly known by the regulated public or should it be defined?

Lines 87 and 88 may be clearer if re-written as follows:

"with the governing board to oversee that consumer rights protection for individuals receiving MH/DD/SA services in its catchment area include the following:"

Line 90 references ".0600-.0610." There is no Rule 27G .0600. Delete the ".0600" and replace with ".0601."

Lines 92 and 93 reference a specific statute and should correctly reference the title of the statute and the name should be capitalized. Also, delete the word "regarding"

In line 94, delete the phrase "in the community according to" and replace with "enumerated in"

Re-write line 96 to mirror line 80.

Line 98 references ".0600-.0610." There is no Rule 27I .0600. Delete the ".0600" and replace with ".0601." Additionally, delete the term "respectively" at the end of the line.

In line 99, what happens if the committee has an issue with the designated officer? Are there protocols to address a situation where the designated officer is precluded from substituting for the governing board?

Lines 99 and 101, add the term "to" at the beginning of the subparagraphs.

In line 100, is the phrase "the assurance" a commonly known phrase to the regulated public? If not, define or delete the phrase "the assurance."

In line 103, replace "through" with "by" and add "following" between "the options."

In line 104, delete "below."

In line 106, what is the purpose of (s) on committee? If multiple providers are entering into a singular agreement, why have an (s) on committee?

In line 109, delete the phrase "which delineate" and replace with "that include the following"

As previously stated, this paragraph should help reduce redundancies by being combined with Paragraph (b). Alternatively, the subparagraphs and parts should track the organization in Paragraph (b) and the following changes should be made to more accurately reflect similar information:

On line 110, are the non-board members allowed to be providers?

On lines 112 and 126, should the phrase "of consumers" be added to families? What constitutes a family if not a consumer?

Lines 113 and 116 should add the term "the" to the beginning of the subparagraphs.

On line 114, add a comma after "process"

Line 122, when is the training and orientation? Based upon line 157, this sentence appears more correctly written as follows:

"initial orientation and annual training of committee members:"

Line 119 should add the phrase "that shall be" between "meetings at"

Line 120 should delete "which" and replace with "that" and then add "held" between "be in"

Line 124 should be re-written as follows:

"compliance with 10A NCAC 26B, Confidentiality Rules;"

Line 126 is unclear and appears to be an aspirational statement. Are there standards for scheduling meetings, such as distance to travel, length of meeting, appearance by telephone, etc.?

In line 130, delete "including" and replace with "include." Delete the hard-return that is at the end of the sentence so that the sentence text is continuous.

As previously stated, this paragraph should help reduce redundancies by being combined with Paragraph (c). Alternatively, the paragraph, subparagraphs, and parts should track the organization in Paragraph (c) and the following changes should be made to more accurately reflect similar information:

Line 130 should delete "including" and replace with "include."

Lines 130, 135, and 140, delete the hard-return that is at the end of the sentence so that the sentence text is continuous.

Line 132 should be deleted or re-written to provide a purpose or justification for this statement.

Line 133 references a specific statute and should correctly reference the title of the statute and the name should be capitalized. Also, delete the word "regarding"

Line 136 references ".0600-.0610." There is no Rule 27G .0600. Delete the ".0600" and replace with ".0601."

Line 137, delete "in the community"

Line 139, add a comma after "appeals"

Line 142, add the front of the parentheses for "6)." Add "to" before "appraise"

Line 143, is the phrase "the assurance" a commonly known phrase to the regulated public? Define or delete the phrase "the assurance."

In lines 146, 156, and 167, what is the purpose of (s) on provider? Delete the (s). Verify that the article ("the" or "a") being used agrees with the nouns as used in the sentence.

In line 148, delete the phrase "nothing herein state shall" and replace with "this Rule shall not"

Lines 156 through 158 may be more clearly written as follows:

"shall document initial orientation and annual training of committee members. Topics to consider for orientation and training include the following:"

Lines 159 and 163, delete the hard-return that is at the end of the sentence so that the sentence text is continuous.

Lines 159 and 165 should add the term "the" to the beginning of the subparagraphs.

Line 164, delete the term "respectively"

Correct the line spacing on page 5 to 1.5, specifically on lines 154, 155, and the History Note.

Verify that the effective date for this rule is December 1, 2014.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

### **RRC STAFF OPINION**

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: NC COMMISSION FOR MH / DD / SAS

RULE CITATION: 10A NCAC 27G .0504

**RECOMMENDED ACTION:** 

Approve, but note staff's comment

X Object, based on:

X Lack of statutory authority

Unclear or ambiguous

Unnecessary

Failure to comply with the APA

Extend the period of review

### **COMMENT:**

The additional text added since publication to lines 68 through 72 alters a limited and specific statute. The statute is set forth below:

### § 122C-64. Client rights and human rights committees.

Client rights and human rights committees responsible for protecting the rights of clients shall be established at each State facility, for each local management entity, and provider agency. The Commission shall adopt rules for the establishment, composition, and duties of the committees and procedures for appointment and coordination with the State and Local Consumer Advocacy programs. The membership of the client rights and human rights committee for a multicounty program or local management entity shall include a representative from each of the participating counties. (1985-589, s. 2; 2001-437, s. 1.3; 2009-190, s. 1.)

The last sentence requires "representative from each of the participating counties. The text added since publication discusses representation by at least fifty percent and "efforts to rotate counties in membership...so that all counties have equal representation when turnover on the committee occurs." That is contrary to the directive that the membership "shall include a representative from each of the participating counties."

1	10A NCAC 27G .0504 is amended with changes as published in 27:05 NCR 562 as follows:
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3	10A NCAC 27G .0504 CLIENT_RIGHTS_COMMITTEE LOCAL_MANAGEMENT_ENTITY
4	CLIENT HUMAN RIGHTS COMMITTEE AND PROVIDER CLIENT
5	HUMAN RIGHTS COMMITTEE
6	(a) The area board shall bear ultimate responsibility for the assurance of client rights.
7	(b) Each area board shall establish at least one Client Rights Committee, and may require that the
8	governing body of a contract agency also establish a Client Rights Committee. The area board shall also develop
9	and implement policy which delineates:
LO	(1) composition, size, and method of appointment of committee membership;
l1	(2) training and orientation of committee members;
L2	(3) frequency of meetings, which shall be at least quarterly;
L3	(4) rules of conduct for meetings and voting procedures to be followed;
L4	(5) procedures for monitoring the effectiveness of existing and proposed methods and
L5	procedures for protecting client rights;
L6	(6) requirements for routine reports to the area board regarding seclusion, restraint and
L7	isolation time out; and
L8	(7) other operating procedures.
L9	(c) The area board established Client Rights Committee shall oversee, for area operated services and area
20	contracted services, implementation of the following client rights protections:
21	(1) compliance with G.S. 122C, Article 3;
22	(2) compliance with the provisions of 10A NCAC 27C, 27D, 27E, and 27F governing the protection
23	of client rights, and 10A NCAC 26B governing confidentiality;
24	(3) establishment of a review procedure for any of the following which may be brought by a client,
25	client advocate, parent, legally responsible person, staff or others:
26	(A) client grievances;
27	(B) alleged violations of the rights of individuals or groups, including cases of
28	alleged abuse, neglect or exploitation;
29	(C) concerns regarding the use of restrictive procedures; or
30	(D) failure to provide needed services that are available in the area program.
31	(d) Nothing herein stated shall be interpreted to preclude or usurp the authority of a county Department of Socia
32	Services to conduct an investigation of abuse, neglect, or exploitation or the authority of the Governor's
33	Advocacy Council for Persons with Disabilities to conduct investigations regarding alleged violations of clien
34	rights.
35	(e) If the area board requires a contract agency to establish a Client Rights Committee, that Committee shall carry
36	out the provisions of this Rule for the contract agency.
37	(f) Each Client Rights Committee shall be composed of a majority of non-area board members, with a
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38	reasonable effort	made to	have a	<del>ll applicable</del>	disabilities	represented,	with	consumer	and	family	<del>-member</del>
39	representation. St	taff who s	<del>erve on t</del> l	ne committee :	shall not be v	oting membe	rs.				

- 40 (g) The Client Rights Committee shall maintain minutes of its meetings and shall file at least an annual report of its activities with the area board. Clients shall not be identified by name in minutes or in written or oral reports.
- 41 its activities with the area board. Clients shall not be identified by name in minutes or in written or oral reports.

  42 (h) The area board Client Rights Committee shall review grievances regarding incidents which occur within
- 43 a contract agency after the governing body of the agency has reviewed the incident and has had opportunity to
- 44 take action. Incidents of actual or alleged Client Rights violations, the facts of the incident, and the action, if any,
- 45 made by the contract agency shall be reported to the area director within 30 days of the initial report of the
- 46 incident, and to the area board within 90 days of the initial report of the incident.
- 47 (a) The Local Management Entity (LME) Local Management Entity—Managed Care Organization (LME-MCO)
- 48 governing board shall establish at least one clients right human rights committee in its catchment area and require
- 49 that provider governing bodies establish a elient human rights committee according to paragraph (d) in this rule.
- 50 For the purposes of this rule, "Provider" does not refer to mental health hospitals that are accredited or Medicare
- 51 <u>certified or to Licensed Independent Practitioners.</u> The <u>LME LME-MCO elient human rights committee shall be</u>
- 52 <u>responsible for client consumer rights protections in accordance with the LME-MCOs role as manager of public</u>
- 53 mental health, developmental disabilities, and substance abuse (mh/dd/sa) services. The provider elient human
- 54 <u>rights committee shall be responsible for elient consumer rights protection in accordance with the provider's role as</u>
- 55 provider of services.

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- (b) The LME LME-MCO governing board shall ratify develop and implement policies governing, elient human rights committee membership and operating procedures including: which delineate:
  - (1) each LME LME-MCO committee shall be comprised of a majority of non-board members, with disability representation that reflects the clients consumers served and at least 50% of the membership shall consist of individuals who are either consumers or family members;
  - (2) staff support to assist the committee to meet the requirements of the provisions of this rule;
  - (3) minimize travel barriers for consumers and families to enhance participation;
  - (4) <u>LME LME-MCO</u> staff members who serve on the committee shall not be voting members;
  - (5) minimum and maximum committee size, composition, terms of office, quorum necessary to conduct business, method for open nomination process and method of appointment of committee membership including assurance of representation from each county; county for LME-MCOs that are seven counties or less, and at least 50% of the counties for LME-MCOs that are more than seven counties. Recruitment protocols shall be documented and shall reflect efforts to rotate counties in membership based upon geographical location and disability type so that all counties have equal representation when turnover on the committee occurs.
- (6) procedure for removal for good cause;
  - (7) training and orientation of committee members at least annually;

75	<u>(8)</u>	attendance requirements;
76	<u>(9)</u>	frequency of meetings which shall be at least quarterly;
77	<u>(10) loc</u>	cation of meetings which shall be in North Carolina;
78	(11)	rules of conduct for meetings and voting procedures to be followed;
79	(12)	assurance against any conflicts of interest;
80	(13)	compliance with confidentiality rules according to 10A NCAC 26B;
81	(14)	the collection of information and the submission of reports requested by the LME LME-MCO, its
82		governing board or the Division of Mental Health, Developmental Disabilities and Substance
83		Abuse Services (DMH/DD/SAS) regarding the rights of consumers receiving public services; and
84	(15)	other committee operating procedures required to protect elients' consumers' rights and to assure
85		compliance with this rule.
86	(c) The duties	of the LME LME-MCO elient human rights committee shall be to work with the governing
87	board to overs	ee, for individuals receiving mh/dd/sa services in its catchment area, elient consumer rights
88	protections inclu	uding:
89	<u>(1)</u>	assurance that the requirements of this rule and other client rights protections are reviewed
90		through routine provider monitoring in accordance with 10A NCAC 27G .0600
91		<u>0610;</u>
92	<u>(2)</u>	compliance with G.S. 122C, Article 3 regarding elients' consumer rights and advance
93		instruction;
94	<u>(3)</u>	compliance with the protection of elients' consumer rights in the community according to 10A
95		NCAC 27C, 27D, 27E and 27F;
96	<u>(4)</u>	assurance of confidentiality according to 10A NCAC 26B;
97	<u>(5)</u>	review of aggregate and descriptive complaint and appeal data in accordance with 10A NCAC
98		27G .70017004 and 10A NCAC 27I .06000609, respectively;
99	<u>(6)</u>	apprise the LME-MCO governing board or a designated officer, at any time during the year,
100		of issues that relate to the assurance of clients' consumers' rights; and
101	<u>(7)</u>	authorize employees to collect and analyze information that the committee or the LME_
102		MCO governing board require to fulfill the requirements of this rule.
103	(d) Provider go	verning bodies shall establish elient human rights committees through one of the options
104	below:	
105	<u>(1)</u>	a provider shall form its own committee(s); or
106	<u>(2)</u>	multiple providers may enter into written agreements to form a committee(s) to meet the
107		requirements of this rule.
108	(e) The provide	er governing body shall adopt policies governing committee membership and operating
109	procedures inclu	ding: which delineate:
110	<u>(1)</u>	each committee shall be comprised of a majority of non-board members, with disability
111		representation that reflects the elients consumers served and at least 50% of the membership

112		shall consist of individuals who are either consumers or family members;
113	(2)	minimum and maximum committee size, composition, terms of office, quorum necessary to
114		conduct business, method for open nomination process and method of appointment of committee
115		membership;
116	<u>(3)</u>	procedure for removal for good cause; and
117	<u>(4)</u>	operation procedures of the committee including;
118		(A) attendance requirements;
119		(B) frequency of meetings at least quarterly;
120		(C) location of meetings which shall be in North Carolina;
121		(D) rules of conduct for meetings and voting procedures;
122		(E) training and orientation of committee members at least annually;
123		(F) assurance against any conflicts of interest;
124		(G) compliance with confidentiality rules according to 10A NCAC 26B;
125		(H) staff support to the committee required to meet the provisions of this rule;
126		(I) minimize travel barriers for consumers and families to enhance participation;
127		<u>and</u>
128		(J) other committee operating procedures required to protect elient consumer rights and
129		to assure compliance with this rule.
130	(f) The provider	r committee shall assure elients' consumer rights protections including the
131	following:	
132	(1)	compliance with applicable requirements of this rule;
133	(2)	compliance with G.S. 122C, Article 3 regarding elients' consumer rights and advance
134	instruction;	
135	<u>(3)</u>	compliance with incident reporting and other applicable elients' consumer rights
136		provisions of 10A NCAC 27G .06000610;
137	(4)	compliance with the protection of elients' consumer rights in the community enumerated in
138		10A NCAC 27C, 27D, 27E and 27F;
139	(5)	review of elients' consumer rights data including incidents, complaints, appeals and
140		investigations;
141		<u>and</u>
142	<u>6)</u>	apprise the governing body or a designated officer, at any time during the year, of issues
143		that relate to the assurance of elients' consumer rights.
144	(g) If an LM	E provides a service or services, the LME client rights committee shall follow the
145	requirements of	the provider client rights committee for the LME service or services.
146	(h) (g) The LM	4E LME-MCO elient human rights committee and the provider(s) elient human rights committee
147	shall work with	state and local agencies to protect elient's consumer rights for individuals receiving md/dd/sa
148	mh/md/sa servic	ees and nothing herein stated shall be interpreted to preclude the legal authority of local and state

149	agencies including:						
150	<u>(1)</u>	a county Department of Social Services to conduct an investigation of abuse, neglect or					
151		exploitation:					
152	(2)	North Carolina's protection and advocacy system to conduct investigations regarding alleged					
153		violations of elients' consumer rights; and					
154 155	(3)	law enforcement agencies' investigations of criminal allegations that pertain to rights violations.					
156	(i)(h) The LME LME-MCO elient human rights committee and the provider(s) elient human rights committee shall						
157	document initial orientation of committee members and annual training thereafter on topics to fulfill their duties as						
158	described in this rule including:						
159	<u>(1)</u>	applicable North Carolina statutes and rules codified in the North Carolina					
160		Administrative Code:					
161	<u>(2)</u>	the organization of the North Carolina public system for mental health, developmental					
162		disabilities and substance abuse services;					
163	<u>(3)</u>	the duties of the local and state consumer family advisory committee according to G.S.					
164		122C-170 and 171, respectively;					
165	<u>(4)</u>	principles of advocacy, self-determination and recovery; and					
166	<u>(5)</u>	customer service strategies.					
167	(j)(i) A LME LN	ME-MCO elient human rights committee and a provider(s) elient human rights committee shall					
168	maintain meeting	g minutes. Clients Consumers shall not be identified by name in minutes or written oral reports.					
169	(k) A provider(s	s) client rights committee shall complete an annual report and send it to the LME MCO(s)					
170	with whom the provider has a service agreement(s).						
171	(I)(j) A LME LME MCO client human rights committee shall complete an a summary annual report and send it						
172	to the DMH/DD/SAS which shall publish an annual analysis of the LME LME MCO committee reports.						
173	(m)(k) The reports report noted in paragraph (k) and (l) (j) of this rule shall be submitted on forms provided						
174	by the DMH/DD/SAS.						
175 176 177 178 179 180	History Note:	Authority G.S. 122C-64; 143B-147; Eff. May 1, 1996; Amended Eff November 1, 2013. December 1, 2014.					