

G.S. 150B-21.3A Report for 10A NCAC 28B, CIVIL AND LEGAL RIGHTS

Agency - DHHS Commission for Mental Health/DD/SAS

Comment Period - September 8, 2017 - November 7, 2017

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
	SECTION .0100 – GENERAL RIGHTS	10A NCAC 28B .0101	COMPETENCY OF ADULT CLIENTS	Amended Eff. July 1, 1989	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest
		10A NCAC 28B .0102	BASIC RIGHTS	Amended Eff. July 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 28B .0103	RELIGIOUS RIGHTS	Amended Eff. July 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0200 - LEGAL RIGHTS	10A NCAC 28B .0201	ACCESS TO LEGAL SERVICES	Amended Eff. July 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 28B .0202	NONPROFIT LEGAL SERVICES ORGANIZATIONS	Amended Eff. July 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 28B .0203	STATE FACILITY GRIEVANCE PROCEDURE AND REPORTS	Amended Eff. April 1, 1990	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 28B .0204	DIVISION DIRECTOR'S REVIEW OF GRIEVANCES	Amended Eff. April 1, 1990	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 28B .0205	DEPARTMENT REVIEW OF GRIEVANCE	Amended Eff. April 1, 1990	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest
		10A NCAC 28B .0206	ACCESS TO INTERNAL CLIENT ADVOCATE	Amended Eff. July 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 28B .0207	CLIENT ADVOCATE ACCESS TO CONFIDENTIAL INFORMATION	Amended Eff. July 1, 1989	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest
		10A NCAC 28B .0208	DEATHS AND AUTOPSIES	Amended Eff. April 1, 1990	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0300 - LABOR RIGHTS	10A NCAC 28B .0301	EMPLOYMENT CONDITIONS	Amended Eff. July 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 28B .0302	VOLUNTARY NON-COMPENSATED WORK	Amended Eff. July 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		10A NCAC 28B .0303	PERSONAL HOUSEKEEPING	Eff. October 1, 1984	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0400 - NONDISCRIMINATION	10A NCAC 28B .0401	TITLE VI CIVIL RIGHTS ACT 1964	Amended Eff. July 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 28B .0402	DHHS DIRECTIVE - INTERPRETER SERVICES	Amended Eff. April 1, 1990	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		10A NCAC 28B .0403	STATE AND FEDERAL REGULATIONS	Amended Eff. July 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest

Agency	Rule	Name	Type of Comment	Comment	Agency Response	RRC Staff Recommendation	RRC Determination [150B-21.3A(c)(2)]
Copy all columns in this row to the right of this yellow cell and paste in new rows			Select One			Select One	Select One
DHHS Commission for MH/DD/SAS	10A NCAC 28B .0101	COMPETENCY OF ADULT CLIENTS	Other Statement	Submitted by: Kenneth Cave 10/27/2017. In 2015 without knowledge or warning i was alledgedly took to court and filed incompetant. This i am told biolated my civil rights. Also my aister had this done qith the help of wilkes county NC ssa admin. Ahe had taken my bank account in 2010, i neversaw not eecieved my backpay.	The rule speaks to the right of every adult consumer to be considered legally competent unless adjudicated incompetent. The rule does not speak to the process of having one adjudicated incompetent. While it is unclear what happened in this case, the statement seems to express dissatisfaction with what happened to him personally and with the possible personal outcome for the individual. It is not clear what procedures were involved in this case, whether applicable rules were followed or whether the person's rights were violated.	Select One	Select One

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DHHS Commission for MH/DD/SAS	10A NCAC 28B .0205	DEPARTMENT REVIEW OF GRIEVANCE	Other Statement	Submitted by: Kenneth Cave 10/27/2017. Hello you talk of appeals and legal issues. My attorney quit me early. Was over paid. I filed appeals after appeals and no help	The rule speaks to the right of every client or his/her representative as defined in Rule 28B .0203(b)(1)(D) to request the Secretary, Department of Health and Human Services review a grievance filed with, and the outcomes reached at the facility and Division of MH/DD/SAS levels. While it is unclear what happened in this case, the statement seems to express the individual's dissatisfaction with the work allegedly performed by his attorney as well as with the fees charged and the case outcome. The statement does not indicate whether the person filed an appeal with the Secretary as permitted by this Rule.	Select One	Select One
DHHS Commission for MH/DD/SAS	10A NCAC 28B .0205	DEPARTMENT REVIEW OF GRIEVANCE	Other Statement	Submitted by: Kenneth Cave 10/27/2017. Hello you talk of appeals and legal issues. My attorney quit me early. Was over paid. I filed appeals after appeals and no help, i follie the rules. My sister failed to file a re'eiw im +9/2016, and now i geta letter stating the state does not have enough records and wants me to see some doctor.i call but no answer. Rhis is a grievance. All apeals, and reports of misconduct i have made havw been ignores. Nut now after 9 years of disability i may lose mine ? I state that there is corryption and mishandling of records and funds. I do not have a ride to anywhere. Dince 2012 all apeals and geieviamcws havw been ignored just like this will be	The rule speaks to the right of every client or his/her representative as defined in Rule 28B .0203(b)(1)(D) to request the Secretary, Department of Health and Human Services review a grievance filed with, and the outcomes reached at the facility and Division of MH/DD/SAS levels. While it is unclear what happened in this case, the statement seems to express the individual's dissatisfaction with the work allegedly performed by his attorney as well as with the fees charged and the case outcome. The statement also alleges the sister failed to follow the grievance process. However, it is unclear whether the person, his sister, or his attorney filed a grievance with the facility or an appeal with the Division or Department. The statement does not indicate whether the person filed an appeal with the Secretary as permitted by this Rule. It is not clear what type of appeal was involved in this case and hints that it may have involved a disability determination; if so, this is not handled by the facility or the Department.		

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DHHS Commission for MH/DD/SAS	10A NCAC 28B .0207	CLIENT ADVOCATE ACCESS TO CONFIDENTIAL INFORMATION	Other Statement	Submitted by: Kenneth Cave 10/27/2017. Hello you talk of appeals and legal issues. My attorney quit me early. Was over paid. I filed appeals after appeals and no help, i follie the rules. My sister failed to file a re'eiw im +9/2016, and now i geta letter stating the state does not have enough records and wants me to see some doctor.i call but no answer. Rhis is a grievance. All apeals, and reports of misconduct i have made havw been ignores. Nut now after 9 years of disability i may lose mine ? I state that there is corryption and mishandling of records and funds. I do not have a ride to anywhere. Dince 2012 all apeals and geieviamcws havw been ignored just like this will be	The rule speaks to access to information by a client advocate. While it is unclear what happened in this case, the statement seems to express the individual's dissatisfaction with the work allegedly performed by his attorney as well as with the fees charged and the case outcome. It also speaks to dissatisfaction with the actions of his sister. The statement does not indicate what type of appeal was involved in his case and suggests this might be related to a disability determination. If so, this is not handled by the facility, Division, or Department. It does not allege that a client advocate was denied access to information.	Select One Select One	Select One Select One