

G.S. 150B-21.3A Report for 10A NCAC Subchapter 26D, NORTH CAROLINA DEPARTMENT OF CORRECTION: STANDARDS FOR MENTAL HEALTH AND MENTAL RETARDATION

Agency - DHHS - Commission for Mental Health, Developmental Disabilities and Substance Abuse Services

Comment Period - January 2, 2015 - March 3, 2015

Date Submitted to APO - April 20, 2015

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(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SECTION .0100 - SCOPE AND DEFINITIONS	10A NCAC 26D .0101	SCOPE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0102	REQUIRED SERVICES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0103	DEFINITIONS	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0200 - ORGANIZATIONAL RESPONSIBILITIES	10A NCAC 26D .0201	COORDINATION AND DELIVERY OF SERVICES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0202	ORGANIZATIONAL CHART	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0203	DISTRIBUTION OF STANDARDS	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0204	COMPLIANCE WITH RULES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0205	GRIEVANCE RULE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0300 - REQUIRED STAFF	10a NCAC 26D .0301	PSYCHIATRIST	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0302	PSYCHOLOGIST	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0303	REGISTERED NURSE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0304	SOCIAL WORKER	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0305	SUPPORT STAFF	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0400 - ORGANIZATIONAL RELATIONS	10A NCAC 26D .0401	COORDINATION OF SERVICES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0402	INFORMATION AND OUTREACH SERVICES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0403	AGREEMENT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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SECTION .0500 - QUALITY ASSURANCE	10A NCAC 26D .0501	SCOPE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0502	QUALITY ASSURANCE PLAN	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0503	QUALITY ASSURANCE COMMITTEE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0504	CLIENT CARE EVALUATION STUDIES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0505	CLIENT RECORD REVIEW	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0506	SUPERVISION OF MENTAL HEALTH AND MENTAL RETARDATION STAFF	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0507	PRIVILEGING OF ALL PROFESSIONAL STAFF	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0508	EMPLOYEE EDUCATION AND TRAINING	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0509	PROGRAM EVALUATION ACTIVITIES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0510	QUALITY ASSURANCE ANNUAL REPORT	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0600 - FACILITIES MANAGEMENT	10A NCAC 26D .0601	SCOPE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0602	BUILDINGS AND GROUNDS	Eff. January 4, 1994	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 26D .0603	SPACE REQUIREMENTS	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0604	ADDITIONAL REQUIREMENTS FOR RESIDENTIAL/INPATIENT UNITS	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0700 - CLIENT RECORDS	10A NCAC 26D .0701	SCOPE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0702	STANDARD CLIENT RECORD	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0703	RECORD REQUIREMENTS	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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	10A NCAC 26D .0704	CONFIDENTIALITY OF CLIENT RECORD	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0705	DIAGNOSTIC CODING	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0706	CLIENT RECORD AVAILABILITY	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0800 - SERVICE ELIGIBILITY	10A NCAC 26D .0801	SCOPE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0802	SERVICE CRITERIA	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0803	SCREENING	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0804	WAITING LISTS	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0805	INFORMATION REGARDING AVAILABILITY TO SERVICES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0900 - TREATMENT AND HABILITATION	10A NCAC 26D .0901	SCOPE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0902	ADMISSION ASSESSMENT	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0903	EVALUATION AND DIAGNOSIS	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0904	TREATMENT OR HABILITATION PLAN	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0905	PROGRESS NOTES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0906	TRANSFER OR DISCHARGE SUMMARY	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0907	TREATMENT AND HABILITATION COORDINATION	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .0908	RELEASE PLANNING IN RESIDENTIAL AND INPATIENT SERVICES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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SECTION .1000 - CLINICAL SERVICES	10A NCAC 26D .1001	SCOPE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .1002	COUNSELING AND PSYCHOTHERAPY SERVICES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .1003	SPECIALIZED THERAPIES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .1004	TESTING SERVICES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .1100 - MEDICATION SERVICES	10A NCAC 26D .1101	SCOPE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .1102	DISPENSING OF MEDICATION	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .1103	ADMINISTRATION OF MEDICATION	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .1104	INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATION	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 26D .1105	PSYCHOTROPIC MEDICATION EDUCATION	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .1200 - PROTECTIONS REGARDING CERTAIN PROCEDURES	10A NCAC 26D .1201	SCOPE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .1202	USE OF SECLUSION	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 26D .1203	USE OF RESTRAINT	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 26D .1204	PROTECTIVE DEVICES	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 26D .1205	VOLUNTARY REFERRALS AND TRANSFERS	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .1206	INVOLUNTARY REFERRALS AND TRANSFERS	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 26D .1207	TRANSFER TO RESIDENTIAL OR INPATIENT UNITS	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .1300 - RESEARCH PRACTICES	10A NCAC 26D .1301	SCOPE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .1302	RESEARCH REVIEW BOARD	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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	10A NCAC 26D .1303	CONDITIONS OF CLIENT PARTICIPATION	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .1400 - EMERGENCY SERVICES	10A NCAC 26D .1401	SCOPE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .1402	TRAINING OF STAFF	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .1500 - PREVENTION SERVICES	10A NCAC 26D .1501	SCOPE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .1600 - INPATIENT SERVICES FOR INMATES WHO ARE MENTALLY ILL	10A NCAC 26D .1601	SCOPE	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .1602	HOURS OF OPERATION	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 26D .1603	REQUIRED SERVICES	Eff. January 4, 1994	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note