

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC COMMISSION FOR MH / DD / SAS

RULE CITATION: 10A NCAC 27G .0504

DEADLINE FOR RECEIPT: **Friday, January 10, 2014**

NOTE WELL: 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.

Abigail M. Hammond
Commission Counsel

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 qualify, 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 271 .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.