

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

Agency - DHHS Commission for Mental Health/DD/SAS

Comment Period - December 13, 2024 - February 11, 2025

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]	Required to Implement or Conform 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
SUBCHAPTER 26D - NORTH CAROLINA DEPARTMENT OF CORRECTION: STANDARDS FOR MENTAL HEALTH AND MENTAL RETARDATION	SECTION .0100 - SCOPE AND DEFINITIONS	10A NCAC 26D .0101	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0102	REQUIRED SERVICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0103	DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0200 - ORGANIZATIONAL RESPONSIBILITIES	10A NCAC 26D .0201	COORDINATION AND DELIVERY OF SERVICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0202	ORGANIZATIONAL CHART	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0203	DISTRIBUTION OF STANDARDS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0204	COMPLIANCE WITH RULES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0205	GRIEVANCE RULE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0300 - REQUIRED STAFF	10A NCAC 26D .0301	PSYCHIATRIST	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0302	PSYCHOLOGIST	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0303	REGISTERED NURSE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0304	SOCIAL WORKER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0305	SUPPORT STAFF	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0400 - ORGANIZATIONAL RELATIONS	10A NCAC 26D .0401	COORDINATION OF SERVICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0402	INFORMATION AND OUTREACH SERVICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0403	AGREEMENT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0500 - QUALITY ASSURANCE	10A NCAC 26D .0501	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0502	QUALITY ASSURANCE PLAN	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		10A NCAC 26D .0503	QUALITY ASSURANCE COMMITTEE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0504	CLIENT CARE EVALUATION STUDIES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0505	CLIENT RECORD REVIEW	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0506	SUPERVISION OF MENTAL HEALTH AND MENTAL RETARDATION STAFF	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0507	PRIVILEGING OF ALL PROFESSIONAL STAFF	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0508	EMPLOYEE EDUCATION AND TRAINING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0509	PROGRAM EVALUATION ACTIVITIES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0510	QUALITY ASSURANCE ANNUAL REPORT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0600 - FACILITIES MANAGEMENT</b>	10A NCAC 26D .0601	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0603	SPACE REQUIREMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0604	ADDITIONAL REQUIREMENTS FOR RESIDENTIAL/INPATIENT UNITS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0700 - CLIENT RECORDS</b>	10A NCAC 26D .0701	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0702	STANDARD CLIENT RECORD	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0703	RECORD REQUIREMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0704	CONFIDENTIALITY OF CLIENT RECORD	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0705	DIAGNOSTIC CODING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0706	CLIENT RECORD AVAILABILITY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0800 - SERVICE ELIGIBILITY</b>	10A NCAC 26D .0801	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0802	SERVICE CRITERIA	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		10A NCAC 26D .0803	SCREENING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0804	WAITING LISTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0805	INFORMATION REGARDING AVAILABILITY TO SERVICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .0900 - TREATMENT AND HABILITATION</b>	10A NCAC 26D .0901	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0902	ADMISSION ASSESSMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0903	EVALUATION AND DIAGNOSIS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0904	TREATMENT OR HABILITATION PLAN	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0905	PROGRESS NOTES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0906	TRANSFER OR DISCHARGE SUMMARY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0907	TREATMENT AND HABILITATION COORDINATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .0908	RELEASE PLANNING IN RESIDENTIAL AND INPATIENT SERVICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .1000 - CLINICAL SERVICES</b>	10A NCAC 26D .1001	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1002	COUNSELING AND PSYCHOTHERAPY SERVICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1003	SPECIALIZED THERAPIES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1004	TESTING SERVICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .1100 - MEDICATION SERVICES</b>	10A NCAC 26D .1101	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1102	DISPENSING OF MEDICATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1103	ADMINISTRATION OF MEDICATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1104	INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATION	Readopted Eff. March 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		10A NCAC 26D .1105	PSYCHOTROPIC MEDICATION EDUCATION	Readopted Eff. March 1, 2019	Necessary	No		No	Necessary	No comments with merit	Select One	Agency must readopt
	<b>SECTION .1200 - PROTECTIONS REGARDING CERTAIN PROCEDURES</b>	10A NCAC 26D .1201	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1202	USE OF SECLUSION	Readopted Eff. March 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1203	USE OF RESTRAINT	Readopted Eff. March 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1204	PROTECTIVE DEVICES	Readopted Eff. March 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1205	VOLUNTARY REFERRALS AND TRANSFERS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1206	INVOLUNTARY REFERRALS AND TRANSFERS	Readopted Eff. March 1, 2019	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1207	TRANSFER TO RESIDENTIAL OR INPATIENT UNITS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .1300 - RESEARCH PRACTICES</b>	10A NCAC 26D .1301	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1302	RESEARCH REVIEW BOARD	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1303	CONDITIONS OF CLIENT PARTICIPATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .1400 - EMERGENCY SERVICES</b>	10A NCAC 26D .1401	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1402	TRAINING OF STAFF	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .1500 - PREVENTION SERVICES</b>	10A NCAC 26D .1501	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	<b>SECTION .1600 - INPATIENT SERVICES FOR INMATES WHO ARE MENTALLY ILL</b>	10A NCAC 26D .1601	SCOPE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1602	HOURS OF OPERATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		10A NCAC 26D .1603	REQUIRED SERVICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt