

Burgos, Alexander N

Subject: FW: [External] Re: Commission for MH/DD/SAS Rules / RRC October 2022

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Tuesday, October 18, 2022 5:23 PM
To: Baker, Denise <Denise.Baker@dhhs.nc.gov>; Wilhemina Baker <wdbakeratty@aol.com>
Cc: McGhee, Dana <dana.McGhee@oah.nc.gov>; Scott, Pam <Pam.Scott@dhhs.nc.gov>; Macari, Jessica <jmacari@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Commission for MH/DD/SAS Rules / RRC October 2022

Perfect, we'll see you Thursday then.

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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From: Baker, Denise <Denise.Baker@dhhs.nc.gov>
Sent: Tuesday, October 18, 2022 5:04 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>; Wilhemina Baker <wdbakeratty@aol.com>
Cc: McGhee, Dana <dana.McGhee@oah.nc.gov>; Scott, Pam <Pam.Scott@dhhs.nc.gov>; Macari, Jessica <jmacari@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Commission for MH/DD/SAS Rules / RRC October 2022

That's fine --- thanks so much Brian.

W. Denise Baker, M.A., L.P.A., Esq.
Team Leader, Legislative and Regulatory Affairs Team
Division of MH/DD/SAS
[NC Department of Health and Human Services](#)

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Raleigh, NC 27699-3001

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Tuesday, October 18, 2022 4:57 PM
To: Baker, Denise <Denise.Baker@dhhs.nc.gov>; Wilhemina Baker <wdbakeratty@aol.com>

Cc: McGhee, Dana <dana.McGhee@oah.nc.gov>; Scott, Pam <Pam.Scott@dhhs.nc.gov>; Macari, Jessica <jmacari@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: [External] Re: Commission for MH/DD/SAS Rules / RRC October 2022

Hi Denise, these look fine to me, except I just noticed in .0604 the (10a). I think it should just be (11) and (12). We can make the change here if that's ok with you.

Brian Liebman
Counsel to the North Carolina Rules Review Commission
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brian.liebman@oah.nc.gov

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Burgos, Alexander N

From: Baker, Denise
Sent: Tuesday, October 18, 2022 3:59 PM
To: Rules, Oah
Cc: Liebman, Brian R; Burgos, Alexander N; Macari, Jessica; Scott, Pam; Bailey, Stella; Sulfridge, Robin
Subject: Commission for MH/DD/SAS Rules / October RRC Meeting Final
Attachments: 10A NCAC 26E .0604.docx; 10A NCAC 26E .0605.docx; 10A NCAC 27G .0207.doc; Rule 10A NCAC 27G .2202.doc; 10A NCAC 26E .0602.docx

Good afternoon –

Please see attached.

Please include Pam Scott, Jessica Macari, Stella Bailey, and Robin Sulfridge on the meeting invite; I've copied them on this email. Let me know if you have questions or need additional information regarding the same.

Thank you,
Denise

W. Denise Baker, M.A., L.P.A., Esq.
Team Leader, Legislative and Regulatory Affairs Team
Division of MH/DD/SAS
[NC Department of Health and Human Services](#)

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1 10A NCAC 27G .2202 is readopted with changes as published in 36:19 NCR 1532 as follows.

2

3 **10A NCAC 27G .2202 STAFF**

4 (a) Each staff member, except student trainees and supervised volunteers, shall be at least 18 years of age.

5 (b) Each center/facility shall have a designated program director who has experience in working with individuals
6 diagnosed with developmental disabilities, and holds a baccalaureate degree with specialization in administration,
7 education, social work, nursing, psychology/psychology, or a related human services field/field or have comparable
8 experience and education.

9 (c) A minimum of two staff members shall provide direct child care at all times.

10 (d) A minimum of one direct care staff member shall be on duty for every five clients.

11

12 *History Note: Authority G.S. 122C-26; 143B-147;*

13 *Eff. May 1, ~~1996~~ 1996;*

14 *Readopted Eff. November 1, ~~2022~~ 2022.*

1 10A NCAC 26E .0602 is amended with changes as published in 36:19 NCR 1530-1531 as follows:

2
3 **10A NCAC 26E .0602 DEFINITIONS**

4 (a) As used in this Section, the following terms shall have the meanings as specified:

- 5 (1) "Controlled substance reporting ~~system~~"**system (CSRS)**" means the reporting system as set forth
6 in Article 5E of Chapter 90.
- 7 (2) "ASAP" means the American Society for Automation in Pharmacy.
- 8 (3) "DEA" means the Drug Enforcement Administration responsible for enforcing the controlled
9 substances laws and regulations of the United States.
- 10 (4) "Delegate Account Holder" means a person designated to review records of the [NC Controlled
11 Substance Reporting System] CSRS with the written approval of the Master Account Holder.
- 12 (5) "DHHS" means North Carolina Department of Health and Human Services.
- 13 (6) "Dispense" means the same as defined in G.S. 90-87.
- 14 (7) "Dispenser" means the same as defined in G.S. [90-113.72,] 90-113.72 and 90-113.73(f).
- 15 (8) "Good faith" means an attempt to report the information required by G.S. [90-113.73(a)]90-
16 113.73(b) that was unsuccessful due to [the system not being operational due to]a temporary
17 electrical or technological [failure.]failure impacting the transmission of data to the CSRS.
- 18 (9) "Master Account Holder" means a practitioner, as defined in G.S. 90-87, who has current DEA
19 registration.
- 20 (a) "Zero Reporting" means the following: instances when a dispenser who, except as
21 [provider]provided in G.S. [90-113(e) and (d),]90-113.73(c) and (d), fails to comply with
22 the reporting provisions of G.S. 90-113;90-113.73; or
- 23 (b) instances when a dispenser [dose]does not dispense any Schedule II – IV controlled
24 substances during the previous business day.
- 25 (10) [Pharmacist-patient relationship] "Pharmacist-patient Relationship" means a consensual
26 relationship in which an individual seeks pharmaceutical care from a pharmacist, and the
27 pharmacist affirmatively acts to provide pharmaceutical care, or agrees to do so.
- 28 (11) [Prescriber-patient relationship] "Prescriber-patient Relationship" means a consensual relationship
29 in which an individual seeks medical care from a prescriber, and the prescriber affirmatively acts
30 to provide medical care, or agrees to do so.
- 31 (12) [Data Errors notification-error notifications]"Data Errors Notification" means a written
32 notification from DHHS to a dispenser of failure to report data as required by G.S. 90-113.73 and
33 of errors related to the submission of that data. Errors occur when information required per Rule
34 10A NCAC 26E .0604(a) is omitted, incomplete, or submitted late.[related to data submission that
35 are sent by the software vendor of the dispenser that is required to report will be deemed to be a
36 notice of error report to the dispenser.]

37 (b) Any term not defined in this Section shall have the same definitions as set forth in G.S. 90-87 and 90-113.72.

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History Note: Authority G.S. ~~90-113.70~~; 90-113.76;
Temporary Adoption Eff. January 1, 2007;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February
2, ~~2016~~2016;
Amended Eff: November 1, 2022.

1 10A NCAC 26E .0604 is adopted with changes as published in 36:19 NCR 1531 as follows:

2
3 **10A NACA 26E .0604 REPORTING REQUIREMENTS**

4 (a) Each dispenser shall report the following information to the ~~Controlled Substances~~ **Controlled Substances**
5 Reporting System in accordance with the time frames provided in G.S. ~~90-113.73~~ **90-113.73**:

- 6 (1) ~~The~~ **the** dispenser's DEA ~~number~~ **number**;
- 7 (2) ~~The~~ **the** name of the patient for whom the controlled substance is being dispensed as well as the
8 patient's:
- 9 (a) ~~Full~~ **full** address including apartment ~~number~~ **number** where applicable, city, state, and zip
10 code;
- 11 (b) ~~Telephone~~ **telephone** number; and
- 12 (c) ~~Date~~ **date** of ~~Birth~~ **birth**;
- 13 (3) ~~The~~ **the** date the prescription was ~~written~~ **written**;
- 14 (4) ~~The~~ **the** date the prescription was ~~filled~~ **filled**;
- 15 (5) ~~The~~ **the** prescription ~~number~~ **number**;
- 16 (6) ~~Whether~~ **whether** the prescription is new or ~~a refill~~ **a refill**;
- 17 (7) ~~The~~ **the** metric quantity of the drug ~~dispensed~~ **dispensed**;
- 18 (8) ~~The~~ **the** estimated days of supply of the dispensed drug, if provided to the ~~dispenser~~ **dispenser**;
- 19 (9) ~~The~~ **the** national drug code of the dispensed ~~drug~~ **drug**;
- 20 (10) ~~The~~ **the** prescriber's DEA ~~number~~ **number**;
- 21 ~~(10a) the prescriber's national provider identification number, for any prescriber that has one provided,~~
22 ~~however, a pharmacy shall not be subject to a civil penalty under G.S. 90-113.73(e) for failure to~~
23 ~~report the prescriber's national provider identification number when it is not received by the~~
24 ~~pharmacy; and~~
- 25 (11) ~~The~~ **the** method of payment for the prescription.

26 (b) DHHS shall notify the dispenser of failure to report data as required by G.S. 90-113.73 and any reporting errors
27 related to that ~~submissions~~ **submission**, in writing, within ten business days of detecting the error.

28 (c) The dispenser shall correct the error(s) and resubmit the required ~~information~~ **information**, via his or her
29 ~~dispensation software~~ **dispensation software**, within ten calendar days of the date of the written notification.

30 ~~(d) The dispenser shall correct the reporting error via the CSRS website or by resubmitting the report itself.~~

31
32 *History Note: Authority G.S. 90-113.73;*
33 *Eff. November 1, 2022.*

1 10A NCAC 26E .0605 is adopted with changes as published in 36:19 NCR 1531 as follows:

2

3 **10A NCAC 26E .0605 PENALTIES**

4 (a) DHHS shall consider the following factors in determining the amount of each civil penalty assessed against a
5 person who violates Chapter 90, Article 5E:

6 (1) ~~the type of violation including~~ whether ~~it~~ the violation involved an improper attempt to obtain or
7 release information from the CSRS;

8 (2) whether the ~~violation involved success~~ person succeeded in improperly obtaining or releasing
9 information from the CSRS;

10 (3) ~~the level of intent evident in the violation including whether it was done~~ the person committed the
11 violation intentionally, knowingly, or negligently;

12 (4) the frequency of the violations the person has committed; and

13 (5) the number of violations the person has committed.

14 (b) DHHS shall consider ~~the following~~ these additional factors in determining the amount of civil penalty assessed
15 against a pharmacy that employs dispensers who fail to report information in accordance with G.S. 90-113.73(e):

16 (1) whether it is a first, second, third, or subsequent violation within a calendar year;

17 (2) whether it is a continuing violation;

18 (3) whether the pharmacy has acted in good faith in attempting to report the required information.

19

20 *History Note:* Authority G.S. ~~90-113.75; 90-113.73;~~ 90-113.75;

21 *Eff. November 1, 2022.*

1 10A NCAC 27G .0207 is readopted with changes as published in 36:19 NCR 1532 as follows:

2

3 **10A NCAC 27G .0207 EMERGENCY PLANS AND SUPPLIES**

4 (a) Each facility shall develop a written fire plan and **area-wide** disaster plan and shall make a copy of these plans
5 available to the **appropriate** county emergency services **agency, agencies** upon request. **The plans shall include**
6 **evacuation procedures and routes.**

7 (b) The **plan/plans** shall be made available to all staff and evacuation procedures and routes shall be posted in the facility.

8 (c) Fire and disaster drills in a 24-hour facility shall be held at least quarterly and shall be repeated for each shift. Drills shall
9 be conducted under conditions that simulate **the facility's response to** fire emergencies.

10 (d) Each facility shall have **basica** first aid **supplies/kit** accessible for use.

11

12 *History Note: Authority G.S. 122C-26; 143B-147;*

13 *Eff. May 1, 1996;*

14 *Recodified from 10 NCAC 14V .0205 to 10 NCAC 14V .0207 Eff January 3, ~~2001~~ 2001;*

15 *Readopted Eff. November 1, 2022.*

Burgos, Alexander N

From: Baker, Denise
Sent: Tuesday, October 18, 2022 12:24 PM
To: Rules, Oah
Cc: Liebman, Brian R; Burgos, Alexander N; Macari, Jessica; Scott, Pam
Subject: RE: Commission for MH/DD/SAS Rules / RRC October 2022

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon –

It was just brought to my attention that I didn't capture a revision in .0604. I will get the update to you as soon as I have further confirmation from the subject matter expert.

Thank you,
Denise

W. Denise Baker, M.A., L.P.A., Esq.
Team Leader, Legislative and Regulatory Affairs Team
Division of MH/DD/SAS
[NC Department of Health and Human Services](#)

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From: Baker, Denise
Sent: Tuesday, October 18, 2022 11:53 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Liebman, Brian R <brian.liebman@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Macari, Jessica; Scott, Pam <Pam.Scott@dhhs.nc.gov>
Subject: Commission for MH/DD/SAS Rules / RRC October 2022

Good morning –

Please see attached; let me know if you have questions or need additional information.

Thanks so much.

Denise

W. Denise Baker, M.A., L.P.A., Esq.

Team Leader, Legislative and Regulatory Affairs Team

Division of MH/DD/SAS

[NC Department of Health and Human Services](#)

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1 10A NCAC 26E .0602 is amended with changes as published in 36:19 NCR 1530-1531 as follows:

2
3 **10A NCAC 26E .0602 DEFINITIONS**

4 (a) As used in this Section, the following terms shall have the meanings as specified:

- 5 (1) "Controlled substance reporting ~~system~~"**system (CSRS)**" means the reporting system as set forth
6 in Article 5E of Chapter 90.
- 7 (2) "ASAP" means the American Society for Automation in Pharmacy.
- 8 (3) "DEA" means the Drug Enforcement Administration responsible for enforcing the controlled
9 substances laws and regulations of the United States.
- 10 (4) "Delegate Account Holder" means a person designated to review records of the [NC Controlled
11 Substance Reporting System] CSRS with the written approval of the Master Account Holder.
- 12 (5) "DHHS" means North Carolina Department of Health and Human Services.
- 13 (6) "Dispense" means the same as defined in G.S. 90-87.
- 14 (7) "Dispenser" means the same as defined in G.S. [90-113.72,] 90-113.72 and 90-113.73(f).
- 15 (8) "Good faith" means an attempt to report the information required by G.S. [90-113.73(a)]90-
16 113.73(b) that was unsuccessful due to [the system not being operational due to]a temporary
17 electrical or technological [failure.]failure impacting the transmission of data to the CSRS.
- 18 (9) "Master Account Holder" means a practitioner, as defined in G.S. 90-87, who has current DEA
19 registration.
- 20 (a) "Zero Reporting" means the following: instances when a dispenser who, except as
21 [provider]provided in G.S. [90-113(e) and (d),]90-113.73(c) and (d), fails to comply with
22 the reporting provisions of G.S. 90-113;90-113.73; or
- 23 (b) instances when a dispenser [dose]does not dispense any Schedule II – IV controlled
24 substances during the previous business day.
- 25 (10) [Pharmacist-patient relationship] "Pharmacist-patient Relationship" means a consensual
26 relationship in which an individual seeks pharmaceutical care from a pharmacist, and the
27 pharmacist affirmatively acts to provide pharmaceutical care, or agrees to do so.
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30 to provide medical care, or agrees to do so.
- 31 (12) [Data Errors notification-error notifications] "Data Errors Notification" means a written
32 notification from DHHS to a dispenser of failure to report data as required by G.S. 90-113.73 and
33 of errors in entering data into the CSRS. Errors occur when information required per Rule 10A
34 NCAC 26E .0604(a) is omitted, incomplete, or submitted late.[related to data submission that are
35 sent by the software vendor of the dispenser that is required to report will be deemed to be a notice
36 of error report to the dispenser.]

37 (b) Any term not defined in this Section shall have the same definitions as set forth in G.S. 90-87 and 90-113.72.

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History Note: Authority G.S. ~~90-113.70~~; 90-113.76;
Temporary Adoption Eff. January 1, 2007;
Eff. April 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February
2, ~~2016~~2016;
Amended Eff: November 1, 2022.

1 10A NCAC 26E .0604 is adopted with changes as published in 36:19 NCR 1531 as follows:

2
3 **10A NACA 26E .0604 REPORTING REQUIREMENTS**

4 (a) Each dispenser shall report the following information to the ~~Controlled Substances~~ **Controlled Substances**
5 Reporting System in accordance with the time frames provided in G.S. ~~90-113.73-90-113.73~~:

- 6 (1) ~~The~~ **the** dispenser's DEA ~~number~~ **number**;
- 7 (2) ~~The~~ **the** name of the patient for whom the controlled substance is being dispensed as well as the
8 patient's:
- 9 (a) ~~Full~~ **full** address including apartment ~~number~~ **number**, where applicable, city, state, and zip
10 code;
- 11 (b) ~~Telephone~~ **telephone** number; and
- 12 (c) ~~Date~~ **date** of ~~Birth~~ **birth**;
- 13 (3) ~~The~~ **the** date the prescription was ~~written~~ **written**;
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- 15 (5) ~~The~~ **the** prescription ~~number~~ **number**;
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- 17 (7) ~~The~~ **the** metric quantity of the drug ~~dispensed~~ **dispensed**;
- 18 (8) ~~The~~ **the** estimated days of supply of the dispensed drug, if provided to the ~~dispenser~~ **dispenser**;
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- 20 (10) ~~The~~ **the** prescriber's DEA ~~number~~ **number**;
- 21 ~~(10a) the prescriber's national provider identification number, for any prescriber that has one; and~~
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24 related to that ~~submissions~~ **submission**, in writing, within ten business days of detecting the error.

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26 **dispensation software**, within ten calendar days of the date of the written notification.

27 ~~(d) The dispenser shall correct the reporting error via the CSRS website or by resubmitting the report itself.~~

28
29 *History Note: Authority G.S. 90-113.73;*
30 *Eff. November 1, 2022.*

1 10A NCAC 26E .0605 is adopted with changes as published in 36:19 NCR 1531 as follows:

2

3 **10A NCAC 26E .0605 PENALTIES**

4 (a) DHHS shall consider the following factors in determining the amount of each civil penalty assessed against a
5 person who violates Chapter 90, Article 5E:

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7 release information from the CSRS;

8 (2) whether the ~~violation involved success~~ person succeeded in improperly obtaining or releasing
9 information from the CSRS;

10 (3) ~~the level of intent evident in the violation including whether it was done~~ the person committed the
11 violation intentionally, knowingly, or negligently;

12 (4) the frequency of the violations the person has committed; and

13 (5) the number of violations the person has committed.

14 (b) DHHS shall consider ~~the following~~ these additional factors in determining the amount of civil penalty assessed
15 against a pharmacy that employs dispensers who fail to report information in accordance with G.S. 90-113.73(e):

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17 (2) whether it is a continuing violation;

18 (3) whether the pharmacy has acted in good faith in attempting to report the required information.

19

20 *History Note:* Authority G.S. ~~90-113.75; 90-113.73; 90-113.75;~~

21 *Eff. November 1, 2022.*

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2

3 **10A NCAC 27G .2202 STAFF**

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5 (b) Each center/facility shall have a designated program director who has experience in working with individuals
6 diagnosed with developmental disabilities, and holds a baccalaureate degree with specialization in administration,
7 education, social work, nursing, psychology/psychology, or a related human services field/field or have comparable
8 experience and education.

9 (c) A minimum of two staff members shall provide direct child care at all times.

10 (d) A minimum of one direct care staff member shall be on duty for every five clients.

11

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13 *Eff. May 1, ~~1996~~ 1996;*

14 *Readopted Eff. November 1, ~~2022~~ 2022.*

1 10A NCAC 27G .0207 is readopted with changes as published in 36:19 NCR 1532 as follows:

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3 **10A NCAC 27G .0207 EMERGENCY PLANS AND SUPPLIES**

4 (a) Each facility shall develop a written fire plan and ~~area-wide~~ disaster plan and shall make a copy of these plans
5 available to the ~~appropriate~~ county emergency services ~~agency, agencies~~ upon request. The plans shall include
6 evacuation procedures and routes.

7 (b) The ~~plan~~ plans shall be made available to all staff and evacuation procedures and routes shall be posted in the facility.

8 (c) Fire and disaster drills in a 24-hour facility shall be held at least quarterly and shall be repeated for each shift. Drills shall
9 be conducted under conditions that simulate the facility's response to fire emergencies.

10 (d) Each facility shall have ~~basic~~ first aid ~~supplies~~ kit accessible for use.

11

12 *History Note: Authority G.S. 122C-26; 143B-147;*

13 *Eff. May 1, 1996;*

14 *Recodified from 10 NCAC 14V .0205 to 10 NCAC 14V .0207 Eff January 3, ~~2001~~ 2001;*

15 *Readopted Eff. November 1, 2022.*

Burgos, Alexander N

Subject: FW: [External] Re: Commission for MH/DD/SAS Rules / RRC October 2022

From: Liebman, Brian R

Sent: Tuesday, October 18, 2022 10:08 AM

To: Wilhemina Baker <brliebman>

Cc: McGhee, Dana <dana.McGhee@oah.nc.gov>; Scott, Pam <Pam.Scott@dhhs.nc.gov>; Macari, Jessica; Baker, Denise <Denise.Baker@dhhs.nc.gov>

Subject: RE: [External] Re: Commission for MH/DD/SAS Rules / RRC October 2022

You're cracking me up with the changes shown. 😊

With these changes, I'll recommend approval of all rules. If you can, please gather the final version of each of these rules, and send it to oah.rules@oah.nc.gov, and copy me and Alex Burgos, whose email is back up and I've cc'ed here. If you're still locked out, let me know and I'll pull them together from our emails.

Thanks!

Brian

Brian Liebman

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984)236-1948

brian.liebman@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Re: Commission for MH/DD/SAS Rules / RRC October 2022
Attachments: Rule 10A NCAC 27G .2202.doc; 10A NCAC 26E .0604.docx

From: Wilhemina Baker
Sent: Monday, October 17, 2022 6:48 PM
To: [brliebman](#)
Cc: Liebman, Brian R <brian.liebman@oah.nc.gov>; McGhee, Dana <dana.McGhee@oah.nc.gov>; Scott, Pam <Pam.Scott@dhhs.nc.gov>; Macari, Jessica <jmacari@ncdoj.gov>; Baker, Denise <Denise.Baker@dhhs.nc.gov>
Subject: [External] Re: Commission for MH/DD/SAS Rules / RRC October 2022

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Hi Brian -

You're right, this has truly been a novel experience and is indeed deserving of a name. I like "The Great Email Collapse of 2022" but wonder if it captures the totality of this nightmare. How about ~~"The Great Email Collapse of 2022"~~ "The Great Technology Lockout of 2022" (changes shown of course). 😊

-----Original Message-----

From: Brian Liebman <>>
Cc: brian.liebman@oah.nc.gov <brian.liebman@oah.nc.gov>; dana.mcghee@oah.nc.gov <dana.mcghee@oah.nc.gov>; pam.scott@dhhs.nc.gov <pam.scott@dhhs.nc.gov>; jmacari@ncdoj.gov <jmacari@ncdoj.gov>; denise.baker@dhhs.nc.gov
Sent: Mon, Oct 17, 2022 5:29 pm
Subject: Re: Commission for MH/DD/SAS Rules / RRC October 2022

Hi Denise,

First, just thanks for working with me on this after the "Great Email Collapse of 2022". I figured this event needed a name. I'm open to suggestions if you've got a better idea.

I am good with 26E .0602, .0604, .0605, and 27G .0207. I will recommend approval of those Rules. Thanks for making all the changes on those. I've got one more comment each for .0604 and .2207.

For .0604, I don't love repeating the statutory requirements; that's generally considered unnecessary under G.S. 150B-21.9(3) and 150B-19(4). However, given that the statute is requiring you to enact this rule, I think it's OK. I think you could also get away with saying "comply with the requirements of 90-113.73(b) in the time frame specified in 90-113.73(a)" (in so many words) but I'm not going to require you to go back and re-write the rule at this point, especially given our technological limitations and the proximity to the meeting. **Bless you.**

I do think you should strike the dash between "Controlled" and "Substance" on line 4, though. **Done; see attached.**

As for .2202, I'm a little concerned about the changes you made on lines 5-6. Your earlier revision just kind of cleaned up the language around "experience in developmental disabilities." This latest revision goes further and I think imposes a new limit on hiring--"experience working with pre-school or school aged youth..."--that wasn't there before. I think that is toeing the line of a substantial change, if not going over it. I'd suggest reverting back to the previous language. Otherwise, I think the changes here are good. **Thanks; see attached.**

Thanks!
Brian

On Mon, Oct 17, 2022 at 3:40 PM Wilhemina Baker <> wrote:

Please see attached.

-----Original Message-----

From: Wilhemina Baker <>

To: brliebman

Cc: brian.liebman@oah.nc.gov <brian.liebman@oah.nc.gov>; dana.mcghee@oah.nc.gov <dana.mcghee@oah.nc.gov>; pam.scott@dhhs.nc.gov <pam.scott@dhhs.nc.gov>; jmacari@ncdoj.gov <jmacari@ncdoj.gov>

Sent: Mon, Oct 17, 2022 3:38 pm

Subject: Commission for MH/DD/SAS Rules / RRC October 2022

Hi Brian -

Attached please find the rules further revised to address the additional formatting issues/questions raised.

26E .0602

1. Addressed formatting issues
2. Clarified the definition of Data Errors Notification

26E .0604

1. Addressed formatting issues
2. The Commission adopted (a) in response to the requirement of G.S. 90-113.73(b) (i.e., to adopt rules requiring dispensers to report the information listed). It was not the Commission's intent to modify the requirements. The rule has been updated to include all of the items listed in 90-113.73(b) to include the requirement listed in (10a) (prescriber's national provider identification number where one exists).

26E 0605

1. Addressed formatting issues
2. Rephrased (a)(3)

27G .0207

1. Addressed formatting issues
2. County emergency agencies may include the police department, sheriff's office, fire department, EMS, depending upon the county. Agency has been made plural (agencies) to to make clear that the plans are to be submitted to the county agencies that request them.
3. Provision of services has been deleted.

27G .2202

1. Addressed formatting issues
2. This rule applies to the delivery of before and after school and summer developmental day services to youth or school aged children with or at risk for developmental delays, developmental disabilities, or

atypical development. I've attempted to further clarify that (b) makes clear that, at a minimum, the Program Director must have a bachelor's degree and have experience with the population served. The program director may have a degree in a related human services field (e.g., counseling).

Please let me know if you have additional questions or concerns regarding the rules as further revised.

Thank you,
Denise

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

1 10A NCAC 26E .0604 is adopted with changes as published in 36:19 NCR 1531 as follows:

2
3 **10A NACA 26E .0604 REPORTING REQUIREMENTS**

4 (a) Each dispenser shall report the following information to the ~~Controlled Substances~~ **Controlled Substances**
5 Reporting System in accordance with the time frames provided in G.S. ~~90-113.73-90-113.73~~:

- 6 (1) ~~The~~ **the** dispenser's DEA ~~number~~ **number**;
- 7 (2) ~~The~~ **the** name of the patient for whom the controlled substance is being dispensed as well as the
8 patient's:
- 9 (a) ~~Full~~ **full** address including apartment ~~number~~ **number**, where applicable, city, state, and zip
10 code;
- 11 (b) ~~Telephone~~ **telephone** number; and
- 12 (c) ~~Date~~ **date** of ~~Birth~~ **birth**;
- 13 (3) ~~The~~ **the** date the prescription was ~~written~~ **written**;
- 14 (4) ~~The~~ **the** date the prescription was ~~filled~~ **filled**;
- 15 (5) ~~The~~ **the** prescription ~~number~~ **number**;
- 16 (6) ~~Whether~~ **whether** the prescription is new or ~~a refill~~ **refill**;
- 17 (7) ~~The~~ **the** metric quantity of the drug ~~dispensed~~ **dispensed**;
- 18 (8) ~~The~~ **the** estimated days of supply of the dispensed drug, if provided to the ~~dispenser~~ **dispenser**;
- 19 (9) ~~The~~ **the** national drug code of the dispensed ~~drug~~ **drug**;
- 20 (10) ~~The~~ **the** prescriber's DEA ~~number~~ **number**;
- 21 ~~(10a) the prescriber's national provider identification number, for any prescriber that has one; and~~
- 22 (11) ~~The~~ **the** method of payment for the prescription.

23 (b) DHHS shall notify the dispenser of failure to report data as required by G.S. 90-113.73 and any reporting errors
24 related to that ~~submissions~~ **submission**, in writing, within ten business days of detecting the error.

25 (c) The dispenser shall correct the error(s) and resubmit the required ~~information~~ **information, via his or her**
26 **dispensation software**, within ten calendar days of the date of the written notification.

27 ~~(d) The dispenser shall correct the reporting error via the CSRS website or by resubmitting the report itself.~~

28
29 *History Note: Authority G.S. 90-113.73;*
30 *Eff. November 1, 2022.*

1 10A NCAC 27G .2202 is readopted with changes as published in 36:19 NCR 1532 as follows.

2

3 **10A NCAC 27G .2202 STAFF**

4 (a) Each staff member, except student trainees and supervised volunteers, shall be at least 18 years of age.

5 (b) Each center facility shall have a designated program director who has experience in working with individuals
6 diagnosed with developmental disabilities, and holds a baccalaureate degree with specialization in administration,
7 education, social work, nursing, psychology psychology, or a related human services field field or have comparable
8 experience and education.

9 (c) A minimum of two staff members shall provide direct child care at all times.

10 (d) A minimum of one direct care staff member shall be on duty for every five clients.

11

12 *History Note: Authority G.S. 122C-26; 143B-147;*

13 *Eff. May 1, ~~1996~~ 1996;*

14 *Readopted Eff. November 1, ~~2022~~ 2022.*

Burgos, Alexander N

Subject: FW: CMH, DD, SAS Rules for RRC Review - October 2022

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Wednesday, October 12, 2022 2:39 PM

To: SVC_DHHS.dmhddsasrules <dmhddsasrules@dhhs.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Macari, Jessica <jmacari@ncdoj.gov>; Scott, Pam <Pam.Scott@dhhs.nc.gov>

Subject: RE: CMH, DD, SAS Rules for RRC Review - October 2022

Hi Denise,

I've reviewed your responses, and I have a few additional issues. Most are minor, but one is substantial. See below:

26E .0602

In (a)(9)(a), line 21, I think "provider" should be "provided". Also, on the same line, I think you need a comma between "(d)" and "fails".

In (a)(12), I still don't know what you're defining. What is a "Data Errors notification-errors notification"? At the very least I think you need a "means" in between the term and the beginning of the definition.

26E .0604

Throughout the rule, please highlight your post-publication changes.

I don't see that you've addressed my questions about the necessity of (a). I see that G.S. 90-113.73(b) gives the Commission the power to modify the statutory requirements. I also see that the only changes between the statute and rule are the inclusion of "apartment number where applicable" and the exclusion of the prescriber's national provider identification number. Please confirm that the intent of these changes is to modify the requirements as allowed by 90-113.73(b).

Also, I should have mentioned this earlier, but please put the first word in each item of the list in (a) in lower case.

In (a)(2)(c), line 12, put a semicolon after "birth".

In (c), line 24, instead of "their" substitute "his or her" as the dispenser is a person.

26E .0605

Again, please highlight your post-publication changes.

In (a)(3), can this be rephrased in the active tense? I.e. "whether the person intentionally, knowingly, or negligently committed the violation;" or something along those lines.

27G .0207

Again, please highlight your post-publication changes.

In (a), line 5, I probably should have asked this earlier, but what do you mean by county emergency services agency? I'm thinking this means police/sheriff, fire, ambulance, correct? Or is there something else that this term refers

to? Consider “available to all county emergency services agencies” if that doesn’t change your intent, or simply specify which agency should receive the facility’s plans.

In (d), line 10, what services are you referring to?

27G .2202

Again, please highlight your post-publication changes.

I still have problems with (b). First, given the text of R. 0202(a), I don’t think most of (b) is necessary beyond the requirement that there be a program director. You’re already telling the facility to set the minimum level of education and work experience with .0202(a). If .2202(b) was specifying a certain amount of experience, or a certain kind or amount of education, that would be different, but unfortunately (b) doesn’t actually require anything. The Rule requires experience in working with people with developmental disabilities, but don’t say how much experience. Someone who volunteered for a day could theoretically satisfy that requirement. The Rule specifies a baccalaureate degree, but then cuts against that, saying that someone with “comparable experience and education” may be hired, without setting any guidelines as to what “comparable” means. So theoretically someone who has taken all the classes but didn’t get the degree may satisfy the requirement. The Rule specifies a degree in administration, education, social work, nursing, or psychology, but then cuts against that by including “a related field” without saying what “related” means. It seems like someone with a degree in any kind of medical field or liberal arts could satisfy this requirement.

So, I hope you see what I mean when I say that (b) isn’t really requiring anything. Moreover, given the foregoing, I think (b) is not only unnecessary but impermissibly vague.

I think you have a few options here. One is to just require that each facility have a program director, full stop, and let the facilities make the determination as to what the minimum experience and education requirements should be pursuant to .0202. You could try to specify the absolute minimum level of acceptable experience, but I am afraid that could constitute a substantial change, given that you may be excluding people already hired as program directors. Similarly, you could try to narrow down what the acceptable educational requirements are, but again, you may be excluding people already hired, and that would subject you to substantial change problems.

As always, if you have questions or want to discuss, let me know.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

Burgos, Alexander N

Subject: FW: CMH, DD, SAS Rules for RRC Review - October 2022

From: SVC_DHHS.dmhddsarules <dmhddsarules@dhhs.nc.gov>

Sent: Wednesday, October 12, 2022 10:16 AM

To: Liebman, Brian R <brian.liebman@oah.nc.gov>; SVC_DHHS.dmhddsarules <dmhddsarules@dhhs.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Macari, Jessica <jmacari@ncdoj.gov>; Scott, Pam <Pam.Scott@dhhs.nc.gov>

Subject: RE: CMH, DD, SAS Rules for RRC Review - October 2022

Sounds good – please let me know if you have additional questions.

W. Denise Baker, M.A., L.P.A., Esq.

Team Leader, Legislative and Regulatory Affairs Team

Division of MH/DD/SAS

[NC Department of Health and Human Services](#)

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Burgos, Alexander N

Subject: FW: CMH, DD, SAS Rules for RRC Review - October 2022

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Tuesday, October 11, 2022 5:53 PM
To: SVC_DHHS.dmhddsasrules <dmhddsasrules@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Macari, Jessica <jmacari@ncdoj.gov>; Scott, Pam <Pam.Scott@dhhs.nc.gov>
Subject: RE: CMH, DD, SAS Rules for RRC Review - October 2022

Hi Denise,

Thanks for sending this over. Let me review your responses, and I will let you know what my recommendation will be. I hope to have something to you before the end of the week.

Best,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: SVC_DHHS.dmhddsasrules <dmhddsasrules@dhhs.nc.gov>
Sent: Tuesday, October 11, 2022 4:20 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>; SVC_DHHS.dmhddsasrules <dmhddsasrules@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Macari, Jessica <jmacari@ncdoj.gov>; Scott, Pam <Pam.Scott@dhhs.nc.gov>
Subject: RE: CMH, DD, SAS Rules for RRC Review - October 2022

Hi Brian –

Thank you for your feedback. Attached, please find the rules updated to address your requests for changes and/or clarification. I've also provided an explanation to clarify changes not incorporated in the rules themselves.

Have you determined what your recommendation to the RRC will be concerning the rules as submitted/revised?

Please let me know if you have questions or need additional information.

Thank you,
Denise

W. Denise Baker, M.A., L.P.A., Esq.
Team Leader, Legislative and Regulatory Affairs Team
Division of MH/DD/SAS

[NC Department of Health and Human Services](#)

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NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Mental Health, Developmental
Disabilities and Substance Abuse Services

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
MARK T. BENTON • Deputy Secretary for Health

October 11, 2022

MEMORANDUM

TO: Brian Liebman, Counsel
Rules Review Commission

FROM: Denise Baker, Rulemaking Coordinator
Commission for MH/DD/SAS

RE: Request for Changes Pursuant to G.S. 150B-21.10

Attached please find Rules 10A NCAC 26E .0602, .0604, .0605, 10A NCAC 27G .0207, and .2202 updated to incorporate the changes and/or clarification requested subsequent to your review. Except as noted below, all changes have been incorporated within the body of each rule.

The following is provided to further clarify the content of the rules referenced below.

Rule 10A NCAC 26E .0604

1. Please clarify how a dispenser is to correct an error once it receives notification from DHHS.
Response: Dispensers correct errors via their own software solutions used for the electronic management of dispensing.
2. Also, with respect to (c) and (d), what happens if the dispenser catches the error before DHHS does?
Response: Dispensers often notice and correct their own errors; DHHS gets involved only when self-correction fails to occur.

Rule 10A NCAC 27G .2202

1. What is meant by the terms “related field”, “comparable” experience and education? Comparable to what.
Response: While Rule 10A NCAC 27G .2202 provides requirements for the position of program director, it permits each facility to exercise appropriate flexibility in determining specific education and relevant work experience which qualify an individual for the position, based in part, upon population served, relevant workforce issues, and the specific needs of the facility itself. However, in exercising this flexibility, the facility must comply with the baseline requirements of Rule 10A NCAC 27G .0202, *Personnel Requirements*, a core rule which, unless otherwise specified applies to all programs and services. This rule requires the following:
 - a. All facilities shall have a written job description for the director and each staff position that complies with the following:
 - (1) specifies the minimum level of education, competency, work experience and other qualifications for the position;
 - (2) specifies the duties and responsibilities of the position;
 - (3) is signed by the staff member and the supervisor; and
 - (4) is retained in the staff member's file.

10A NCAC 27G .0202(a).

Please let me know if you have additional questions or requests for clarification.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES

LOCATION: 306 N. Wilmington Street, Bath Building, Raleigh, NC 27601
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www.ncdhhs.gov • TEL: 984-236-5000 • FAX: 919-508-0951

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

1 10A NCAC 26E .0602 is amended with changes as published in 36:19 NCR 1530-1531 as follows:

2
3 **10A NCAC 26E .0602 DEFINITIONS**

4 (a) As used in this Section, the following terms shall have the meanings as specified:

- 5 (1) "Controlled substance reporting ~~system~~"**system (CSRS)**" means the reporting system as set forth
6 in Article 5E of Chapter 90.
- 7 (2) "ASAP" means the American Society for Automation in Pharmacy.
- 8 (3) "DEA" means the Drug Enforcement Administration responsible for enforcing the controlled
9 substances laws and regulations of the United States.
- 10 (4) "Delegate Account Holder" means a person designated to review records of the [NC Controlled
11 Substance Reporting System] CSRS with the written approval of the Master Account Holder.
- 12 (5) "DHHS" means North Carolina Department of Health and Human Services.
- 13 (6) "Dispense" means the same as defined in G.S. 90-87.
- 14 (7) "Dispenser" means the same as defined in G.S. [90-113.72;] 90-113.72 and 90-113.73(f).
- 15 (8) "Good faith" means an attempt to report the information required by G.S. [90-113.73(a)]90-
16 113.73(b) that was unsuccessful due to [the system not being operational due to]a temporary
17 electrical or technological [failure.]failure impacting the transmission of data to the CSRS.
- 18 (9) "Master Account Holder" means a practitioner, as defined in G.S. 90-87, who has current DEA
19 registration.
- 20 (a) "Zero Reporting" means the following: instances when a dispenser who, except as
21 provider in G.S. [90-113(e) and (d);]90-113.73(c) and (d) fails to comply with the
22 reporting provisions of G.S. 90-113;90-113.73; or
- 23 (b) instances when a dispenser [dose]does not dispense any Schedule II – IV controlled
24 substances during the previous business day.
- 25 (10) [Pharmacist-patient relationship] "Pharmacist-patient relationship" means a consensual
26 relationship in which an individual seeks pharmaceutical care from a pharmacist, and the
27 pharmacist affirmatively acts to provide pharmaceutical care, or agrees to do so.
- 28 (11) [Prescriber-patient relationship] "Prescriber-patient relationship" means a consensual relationship
29 in which an individual seeks medical care from a prescriber, and the prescriber affirmatively acts
30 to provide medical care, or agrees to do so.
- 31 (12) [Data Errors notification-error notifications] "Data Errors notification-error notifications" written
32 error notifications sent by DHHS. [related to data submission that are sent by the software vendor
33 of the dispenser that is required to report will be deemed to be a notice of error report to the
34 dispenser.]

35 (b) Any term not defined in this Section shall have the same definitions as set forth in G.S. 90-87 and 90-113.72.

36
37 *History Note: Authority G.S. 90-113.70; 90-113.76;*

1 *Temporary Adoption Eff. January 1, 2007;*
2 *Eff. April 1, 2007;*
3 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February*
4 *2, ~~2016~~2016;*
5 *Amended Eff: November 1, 2022.*

1 10A NCAC 26E .0604 is adopted with changes as published in 36:19 NCR 1531 as follows:

2

3 **10A NACA 26E .0604 REPORTING REQUIREMENTS**

4 (a) Each dispenser shall report the following information to the Controlled-Substances Reporting System in
5 accordance with the time frames provided in G.S. ~~90-113.73~~90-113.73:

- 6 (1) The dispenser's DEA ~~number~~number;
- 7 (2) The name of the patient for whom the controlled substance is being dispensed as well as the
8 patient's:
- 9 (a) Full address including apartment ~~number~~number where applicable, city, state, and zip
10 code;
- 11 (b) Telephone number; and
- 12 (c) Date of ~~Birth~~birth.
- 13 (3) The date the prescription was ~~written~~written;
- 14 (4) The date the prescription was ~~filled~~filled;
- 15 (5) The prescription ~~number~~number;
- 16 (6) Whether the prescription is new or ~~a refill~~a refill;
- 17 (7) The metric quantity of the drug ~~dispensed~~dispensed;
- 18 (8) The estimated days of supply of the dispensed drug, if provided to the ~~dispenser~~dispenser;
- 19 (9) The national drug code of the dispensed ~~drug~~drug;
- 20 (10) The prescriber's DEA ~~number~~number; and
- 21 (11) The method of payment for the prescription.

22 (b) DHHS shall notify the dispenser of failure to report data as required by G.S. 90-113.73 and any reporting errors
23 related to that ~~submission~~submission, in writing, within ten business days of detecting the error.

24 (c) The dispenser shall correct the error(s) and resubmit the required ~~information~~information, via their dispensation
25 software, within ten calendar days of the date of the written notification.

26 ~~(d) The dispenser shall correct the reporting error via the CSRS website or by resubmitting the report itself.~~

27

28 *History Note: Authority G.S. 90-113.73;*

29 *Eff. November 1, 2022.*

1 10A NCAC 26E .0605 is adopted with changes as published in 36:19 NCR 1531 as follows:

2

3 **10A NCAC 26E .0605 PENALTIES**

4 (a) DHHS shall consider the following factors in determining the amount of each civil penalty assessed against a
5 person who violates Chapter 90, Article 5E:

6 (1) ~~the type of violation including~~ whether ~~it~~ the violation involved an improper attempt to obtain or
7 release information from the CSRS;

8 (2) whether the ~~violation involved success~~ person succeeded in improperly obtaining or releasing
9 information from the CSRS;

10 (3) ~~the level of intent evident in the violation including~~ whether it was done intentionally, knowingly,
11 or negligently;

12 (4) the frequency of the violations the person has committed; and

13 (5) the number of violations the person has committed.

14 (b) DHHS shall consider ~~the following~~ these additional factors in determining the amount of civil penalty assessed
15 against a pharmacy that employs dispensers who fail to report information in accordance with G.S. 90-113.73(e):

16 (1) whether it is a first, second, third, or subsequent violation within a calendar year;

17 (2) whether it is a continuing violation;

18 (3) whether the pharmacy has acted in good faith in attempting to report the required information.

19

20 *History Note: Authority G.S. ~~90-113.75~~; 90-113.73; 90-113.75;*

21 *Eff. November 1, 2022.*

1 10A NCAC 27G .0207 is readopted with changes as published in 36:19 NCR 1532 as follows:

2

3 **10A NCAC 27G .0207 EMERGENCY PLANS AND SUPPLIES**

4 (a) Each facility shall develop a written fire plan and ~~area-wide~~ disaster plan and shall make a copy of these plans
5 available to the ~~appropriate~~ county emergency services agency, upon request. The plans shall include evacuation
6 procedures and routes.

7 (b) The ~~plan~~plans shall be made available to all staff and evacuation procedures and routes shall be posted in the facility.

8 (c) Fire and disaster drills in a 24-hour facility shall be held at least quarterly and shall be repeated for each shift. Drills shall
9 be conducted under conditions that simulate the facility's response to fire emergencies.

10 (d) Each facility shall have ~~basic~~ first aid ~~supplies~~kit accessible for ~~use~~use during the provision of services.

11

12 *History Note: Authority G.S. 122C-26; 143B-147;*

13 *Eff. May 1, 1996;*

14 *Recodified from 10 NCAC 14V .0205 to 10 NCAC 14V .0207 Eff January 3, ~~2001~~2001;*

15 *Readopted Eff. November 1, 2022.*

1 10A NCAC 27G .2202 is readopted with changes as published in 36:19 NCR 1532 as follows.

2

3 **10A NCAC 27G .2202 STAFF**

4 (a) Each staff member, except student trainees and supervised volunteers, shall be at least 18 years of age.

5 (b) Each ~~center~~facility shall have a designated program director who has experience ~~in~~working with individuals
6 diagnosed with developmental disabilities, and holds a baccalaureate degree with specialization in administration,
7 education, social work, nursing, ~~psychology~~psychology, or a related field of study or have comparable experience and
8 education.

9 (c) A minimum of two staff members shall provide direct child care at all times.

10 (d) A minimum of one direct care staff member shall be on duty for every five clients.

11

12 *History Note: Authority G.S. 122C-26; 143B-147;*

13 *Eff. May 1, ~~1996~~1996;*

14 *Readopted Eff. November 1, 2022*

Burgos, Alexander N

From: Liebman, Brian R
Sent: Monday, September 26, 2022 4:19 PM
To: SVC_DHHS.dmhddsasrules
Cc: Burgos, Alexander N
Subject: CMH, DD, SAS Rules for RRC Review - October 2022
Attachments: 2022.10 - Commission for Mental Health Request for Changes.docx

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Commission for the October 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, October 20, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Tuesday, October 11, 2022.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

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