

10A NCAC 26D .0103 DEFINITIONS

For the rules contained in this Subchapter, the following definitions apply:

- (1) "Administering medication" means direct application of a medication whether by injection, inhalation, ingestion, or any other means to the client.
- (2) "Admission" means acceptance of an inmate for mental health and mental retardation services in accordance with Department procedures.
- (3) "Area" means one of the six geographic catchment areas designated by the Department for administrative purposes.
- (4) "Area program" means a public agency providing mental health, developmental disabilities and substance abuse services for a catchment area designated by the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services.
- (5) "Chief of Mental Health Services" means the individual who is responsible for the development, provision and monitoring of mental health and mental retardation services in the Department's Division of Prisons. His duties include ensuring compliance with statutory and professional standards for services.
- (6) "Client" means an inmate who is admitted to and is receiving mental health or mental retardation services.
- (7) "Client care evaluation study" means evaluation of the quality of services by measuring actual services against specific criteria through collection of data, identification and justification of variations from criteria, analysis of unjustified variations, corrective action, and follow-up study.
- (8) "Client record" means a written account of all mental health and mental retardation services provided to an inmate from the time of acceptance of the inmate as the client until termination of services. This information is documented on standard forms which are filed in a standard order in an identifiable folder.
- (9) "Clinician" means a psychiatrist, physician, or psychologist.
- (10) "Commission" means the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services, established under Part 4 of Article 3 of G.S. 143B.
- (11) "Contract agency" means an entity with which the Department contracts for a service as defined in the standards exclusive of intermittent purchase of service for an individually identified client.
- (12) "Department" means the Department of Correction.
- (13) "DHR" means the Department of Health and Human Services.
- (14) "DHR review team" means the staff delegated by the Department of Health and Human Services to monitor the implementation of standards in accordance with the provisions of G.S. 148-19(d).
- (15) "Direct care staff" means staff who provide care, treatment, or habilitation services to the client on a continual and regularly scheduled basis.
- (16) "Disability group" means two or more inmates who are either mentally ill or mentally retarded.
- (17) "Discharge" means the termination of mental health or mental retardation services to the client.
- (18) "Dispensing medication" means issuing for the client one or more unit doses of a medication in a suitable container with appropriate labeling.
- (19) "Documentation" means provision of written, dated and authenticated evidence of the delivery of services to the client or compliance with standards.
- (20) "Emergency service" means a service which is provided on a 24-hour, non-scheduled basis to inmates for immediate screening and assessment of presenting problems. Crisis intervention and referral to other services are provided as indicated.
- (21) "Facility" means the physical area where mental health or mental retardation services are provided, including both buildings and grounds, under the auspices of the Department.
- (22) "Habilitation" means education, training, care and specialized therapies undertaken to assist a mentally retarded client in achieving or maintaining progress in developmental skills.
- (23) "Habilitation plan" means an individualized, written plan for the client who is mentally retarded which includes measurable, time-specific objectives based on evaluations, observations, and other assessment data. The plan is based on the strengths and needs of the client and identifies specific staff responsibilities for implementation of the plan.
- (24) "Health professional" means a staff member trained in the delivery of medical or mental health services.
- (25) "Inmate" means an incarcerated individual who remains in the custody of the Department.

- (26) "Inpatient service" means a service provided on a 24-hour basis. Client care is provided under the clinical direction of a physician or doctoral level psychologist. The service provides continuous, close supervision for the client with moderate to severe mental health problems.
- (27) "Legend drug" means a drug that must be dispensed with a prescription.
- (28) "Medication" means a substance in the official "United States Pharmacopoeia" or "National Formulary" intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body.
- (29) "Mental health program director" means the individual who is responsible for the operation of mental health and mental retardation services for inmates.
- (30) "Mental illness" means the term as defined in G.S. 122C-3.
- (31) "Mental retardation" means the term as defined in G.S. 122C-3.
- (32) "Nurse" means a person licensed to practice in the State of North Carolina either as a registered nurse or as a licensed practical nurse.
- (33) "Officer in charge" means the correctional officer who has designated responsibility for the custody and safekeeping of inmates in the facility.
- (34) "Outpatient service" means a service designed to meet the diagnostic and therapeutic needs of the client residing with the regular inmate population. Individual counseling, psychotherapy, extended testing and evaluation, and medication therapy are provided as needed.
- (35) "Peer review" means the formal assessment by professional staff of the quality and efficiency of services ordered or performed by other professional staff.
- (36) "Physician" means a medical doctor who is licensed to practice medicine in the State of North Carolina.
- (37) "Prevention service" means a service provided to the prison population. Service activities include counseling, information, instruction, and technical assistance with the goals of preventing dysfunction and promoting well being.
- (38) "Privileging" means a process by which each staff member's credentials, training and experience are examined and a determination made as to which treatment or habilitation modalities the staff member is qualified to provide.
- (39) "Program evaluation" means the systematic documented assessment of program objectives to determine the effectiveness, efficiency, and scope of the system under investigation, to define its strengths and weaknesses and thereby to provide a basis for informed decision-making.
- (40) "Protective device" means an intervention that provides support for a medically fragile client or enhances the safety of the client with self-injurious behavior. Such device may include geri-chairs or table top chairs to provide support and safety for the client with a major physical handicap; devices such as seizure helmets or helmets and mittens for self-injurious behaviors; or a device such as soft ties used to prevent a medically ill client from removing intravenous tubes, indwelling catheters, cardiac monitor electrodes, or similar medical devices.
- (41) "Psychiatric nurse" means an individual who is licensed to practice as a registered nurse in the State of North Carolina by the North Carolina Board of Nursing and who is a graduate of an accredited master's level program in psychiatric mental health nursing with two years of nursing experience, or has a master's degree in behavioral science with two years of supervised clinical experience, or has four years of experience in psychiatric mental health nursing.
- (42) "Psychiatrist" means a physician who is licensed to practice medicine in the State of North Carolina and who has completed an accredited training program in psychiatry.
- (43) "Psychologist" means an individual who is licensed as a practicing psychologist or a psychological associate in the State of North Carolina or one exempt from licensure requirements who meets the supervision requirements of the North Carolina Board of Examiners of Practicing Psychologists as specified in 21 NCAC 54 .2000.
- (44) "Psychotherapy" means a form of treatment of mental illness or emotional disorder which is based primarily upon verbal interaction with the client. Treatment is provided by a trained professional for the purpose of removing or modifying existing symptoms, of attenuating or reversing disturbed patterns of behavior, and of promoting positive personality growth and development.
- (45) "Psychotropic medication" means medication given with the primary intention of treating mental illness. These medications include, but are not limited to, antipsychotics, antidepressants, minor tranquilizers and lithium.

- (46) "Qualified mental health professional" means any one of the following: psychiatrist; psychiatric nurse; psychologist; psychiatric social worker; an individual with a master's degree in a related human service field and two years of supervised clinical experience in mental health services; or an individual with a baccalaureate degree in a related human service field and four years of supervised clinical experience in mental health services.
- (47) "Qualified mental retardation professional" means an individual who holds at least a baccalaureate degree in a discipline related to developmental disabilities and who has at least one year of experience in working with mentally retarded clients.
- (48) "Qualified professional" means a qualified mental health professional or a qualified mental retardation professional.
- (49) "Qualified record manager" means an individual who is a graduate of a curriculum accredited by the Committee on Allied Health Education and Accreditation of the American Medical Association and the Council on Education of the American Health Information Management Association and who is currently registered or accredited by the American Health Information Management Association.
- (50) "Quality assurance" means a process for objectively and systematically monitoring and evaluating the quality, appropriateness, and effectiveness of mental health and mental retardation services provided and the degree to which those services meet the identified needs and intended goals for the client.
- (51) "Release" means the completion of an inmate's active sentence and return to the community.
- (52) "Research" means inquiry involving a trial or special observation made under conditions determined by the investigator to confirm or disprove a hypothesis, or to explicate some principle or effect.
- (53) "Residential service" means a service provided in a designated treatment setting where 24-hour supervision is an integral part of the care, treatment, habilitation or rehabilitation provided to the client.
- (54) "Responsible clinician" means the psychologist, psychiatrist, or physician designated as responsible for the client's treatment. This may include a clinician designated as on-call for the facility.
- (55) "Restraint" means limitation of the client's freedom of movement with the intent of controlling behavior by mechanical devices which include, but are not limited to, cuffs, ankle straps, or sheets. For purposes of these Rules, restraint is a therapeutic modality and does not include protective devices used for medical conditions or to assist a non-ambulatory client to maintain a normative body position, or devices used for security purposes.
- (56) "Seclusion" means isolating the client in a separate locked room or a room from which he cannot exit for the purpose of controlling the client's behavior. For purposes of these Rules, seclusion is a therapeutic modality and does not include segregation for administrative purposes.
- (57) "Service" means an activity or interaction intended to benefit an individual who is in need of assistance, care, habilitation, intervention, rehabilitation or treatment.
- (58) "Service delivery site" means any area, correctional institution, residential unit, or inpatient unit operated by the Department where mental health and mental retardation services are provided.
- (59) "Social worker" means an individual who holds a master's degree in social work from an accredited school of social work and has two years of clinical social work experience in a mental health setting or who is a clinical social worker certified by the North Carolina Certification Board for Social Work.
- (60) "Standards" means minimum standards for the delivery of mental health and mental retardation services to clients, prescribed by the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services and codified in 10A NCAC 26D .0100 through .1600.
- (61) "State facility" means a facility operated by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services and which provides mental health, mental retardation or substance abuse services.
- (62) "Support service" means a service provided to enhance the client's progress in his primary treatment or habilitation program.
- (63) "Testing services" means the administration and interpretation of the results of standardized instruments for the assessment, diagnosis or evaluation of psychological or developmental disorders.
- (64) "Treatment" means the process of providing for the physical, emotional, psychological, and social needs of the client through services.
- (65) "Treatment plan" means an individualized, written plan of treatment for a mentally ill client. The plan contains time-specific goals and strategies for implementing the goals, and identifies direct care staff responsible for the provision of treatment services to the client.

- (66) "Waiver" means a situation in which the Commission determines that a specific prison site is not required to comply with a specific standard. A waiver is granted according to the provisions of 10A NCAC 27G .0800.

*History Note: Authority G.S. 148-19(d);
Eff. January 4, 1994;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015.*