

10A NCAC 26D .1207 TRANSFER TO RESIDENTIAL OR INPATIENT UNITS

All inmates who are considered for transfer to a residential or inpatient unit shall have rights which include, but need not be limited to:

- (1) written notice that transfer to a residential or inpatient mental health facility is being considered, including a statement of the reasons for the referral or transfer;
- (2) a hearing, sufficiently after notice is given, to prepare objections, if any;
- (3) opportunity to:
 - (a) testify in person;
 - (b) present documented evidence; and
 - (c) present and question witnesses called by the State, except upon a finding not arbitrarily made, of good cause, for not permitting such presentation, confrontation, or cross-examination;
- (4) a neutral and independent decision-maker who has the authority to refuse admission;
- (5) a written statement by the decision-maker as to reasons for his decision to refer and transfer, with which two psychiatrists or psychologists concur;
- (6) qualified and independent assistance from an advisor, not necessarily an attorney, to assist the inmate in preparing his objections;
- (7) periodic review of the continuing need for treatment; and
- (8) effective and timely notice of all of the above rights.

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.