

10A NCAC 27G .0406 LETTER OF SUPPORT REQUIRED FOR LICENSURE OF RESIDENTIAL FACILITIES

(a) An applicant for licensure of a residential facility shall submit with the application a letter of support obtained from the local management entity (LME) in the catchment area where the residential facility is located. For purposes of this Rule, residential facility shall mean the same as defined in G.S. 122C-3(14)e, that is not subject to Certificate of Need requirements under Article 9 of Chapter 131E.

(b) An applicant shall submit a request for a letter of support in writing to the LME using a format provided by the Secretary. The request shall include the following information:

- (1) type of license requested;
- (2) the capacity of the facility;
- (3) the service(s) to be provided;
- (4) the location of the facility;
- (5) a description of the program;
- (6) the population to be served, indicating if this is a specialized or underserved population for the catchment area; and
- (7) a designated point of contact including:
 - (A) name;
 - (B) position title;
 - (C) phone number;
 - (D) email address; and
 - (E) fax number.

(c) The LME shall determine the need for additional intensive residential treatment, psychiatric residential treatment facility (PRTF) and supervised living beds licensed pursuant to 10A NCAC 27G .1800; .1900 and .5600 by identifying whether there is a local need. If no local need is identified, the LME shall consult with the DMH/DD/SAS to determine whether there is a regional or statewide need for additional beds. The decision to issue a letter of support shall be based on whether a local, regional or statewide need is identified.

(d) The LME shall determine the need for additional residential treatment beds licensed pursuant to 10A NCAC 27G .1300 and .1700 in its catchment area prior to making a decision regarding support for these facilities. The decision to issue a letter of support shall be made by using the process stated as follows:

- (1) the LME shall identify the current number of facilities in the catchment area licensed for the category requested, including the number of beds;
- (2) the LME shall identify the average number of clients from the catchment area served in the previous year for each licensure category, regardless of where the service was delivered and multiply by 110 percent,
- (3) the LME shall compare Subparagraphs (d)(1) and (d)(2) of this Rule. The difference shall be an indicator of additional beds needed or excess available in the catchment area; and
- (4) if the facility plans to serve a specialized or underserved population, the LME shall identify the local need for the service for that specialized or underserved population.

(e) The LME shall respond to the applicant's request within five business days. The response shall state whether there is a need for additional beds for the residential facility licensure category requested. The LME shall issue a letter of support to an applicant for licensure of a residential facility that meets the requirements as set forth in this Rule. The letter shall be issued by the LME using a format provided by the Secretary.

(f) The format shall contain information including the following:

- (1) identification information for the applicant and facility;
- (2) a statement of the statutory requirement as set forth in G.S. 122C-23.1 regarding issuance of a letter of support for residential facilities;
- (3) the number of existing beds in the catchment area for the category of licensure the applicant is requesting;
- (4) the number of additional beds needed in the catchment area for the licensure category the applicant is requesting; and
- (5) a statement of whether there is a need for additional beds for the licensure category the applicant is requesting.

(g) The request from the applicant and the letter issued by the LME, shall be forwarded to the DMH/DD/SAS and the DHSR.

History Note: Authority G.S. 122C-23.1; 122C-26(5); 143B-147(a)(2);

Eff. July 1, 2008;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.