

### **10A NCAC 27G .1303 OPERATIONS**

(a) Capacity. Each facility shall serve no more than a total of 12 children and adolescents, except as set forth in this Rule.

- (1) Any facility licensed as a Residential Treatment Facility in this category on January 4, 1994 and providing services to more than a total of 12 children and adolescents may continue to provide services at no more than the facility's licensed capacity, providing that the capacity does not exceed 24.
- (2) Any Child Caring Institution which was licensed by the Division of Social Services on January 4, 1994 may seek licensure as a Residential Treatment Facility as follows:
  - (A) the capacity of each residential unit in the Residential Treatment Facility shall be limited to 12 children and adolescents;
  - (B) each residential unit will be administered, staffed, and located to function separately from all other residential units in the facility; and
  - (C) the overall capacity shall be limited to the current capacity of the institution at the time of licensure as a Residential Treatment Facility.
- (3) The two former Child Caring Institutions that were licensed as Residential Treatment Facilities in this category on April 1, 1990 shall be:
  - (A) exempt from the capacity limit of 24;
  - (B) exempt from the provisions in Parts (2)(A) and (B) of this Rule; and
  - (C) limited to the licensed capacity existing on July 1, 1993.

(b) Family Involvement. Family members or other responsible adults shall be involved in development of plans in order to assure a smooth transition to a less restrictive setting.

(c) Education. Children and adolescents residing in a residential treatment facility shall receive appropriate educational services, either through a facility-based school, 'home-based' services, or through a day treatment program. Transition to a public school setting shall be part of the treatment plan.

(d) Age Limitation. If an adolescent has his 18th birthday while receiving treatment in a residential facility, he may continue in the facility for six months or until the end of the state fiscal year, whichever is longer.

(e) Clothing. Each child or adolescent shall have his own clothing and shall have training and help in its selection and care.

(f) Personal Belongings. Each child or adolescent shall be entitled to age-appropriate personal belongings unless such entitlement is counter-indicated in the treatment plan.

(g) Hours of Operation. Each facility shall operate 24 hours per day, at least five days per week, at least 50 weeks per year, excluding legal holidays.

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

*Eff. May 1, 1996;*

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