

CHAPTER 28 – MENTAL HEALTH: STATE OPERATED FACILITIES AND SERVICES

SUBCHAPTER 28A - COMMITTEES AND PROCEDURES

SECTION .0100 – SCOPE AND DEFINITIONS

10A NCAC 28A .0101 SCOPE

(a) The purpose of the rules in Subchapters 28A, 28B, 28C and 28D of this Chapter is to set forth regulations governing human rights for clients in state facilities. The state facilities governed by these Rules are the regional psychiatric hospitals, mental retardation centers, alcohol and drug abuse treatment centers, Wright School, the North Carolina Special Care Center at Wilson, Whitaker School and any other like state owned and operated institutions, hospitals, centers or schools that may be established under the administration of the Division. In addition to these Rules, each state facility shall follow the North Carolina General Statutes regarding client rights which are specified in Article 3 of Chapter 122C.

(b) A state facility that is certified by the Centers for Medicare and Medicaid Services (CMS) as an Intermediate Care Facility for the Mentally Retarded (ICF/MR), or a Medicare/Medicaid Hospital or a Psychiatric Residential Treatment Facility (PRTF) is deemed to be in compliance with the rules in Subchapters 28A, 28B, 28C and 28D of this Chapter, with the exceptions of 28A .0102; 28D .0203; .0206; .0207; .0208; .0209 and .0210. A state facility that is certified as specified in Paragraph (b) of this Rule shall comply with the following:

- (1) use of the definition of physical restraint as specified in Subparagraph .0102 (b)(32) of this Section;
- (2) documentation requirements as specified in Rules .0203; .0206; .0207; .0208; .0209 and .0210 of Subchapter 28D;
- (3) debriefing requirements as specified in Rule .0206 of Subchapter 28D; and
- (4) training requirements as specified in Rules .0209 and .0210 of Subchapter 28D.

*History Note: Authority G.S. 122C-51; 143B-17; 143B-147;
Eff. October 1, 1984;
Amended Eff. October 1, 2004; April 1, 1990; July 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 24, 2017.*