

SUBCHAPTER 28G – WHITAKER SCHOOL

SECTION .0100 – GENERAL RULES

10A NCAC 28G .0101 DEFINITIONS

For the purposes of the rules in this Subchapter, the following terms shall have the meanings indicated:

- (1) The "program" means the Whitaker School. It is a program providing treatment and education for emotionally disturbed children who are either multi-handicapped or chronically impaired. The program emphasizes psychological, social and educational rehabilitation. The treatment model is based on re-education theory rather than traditional psychiatric treatment.
- (2) A "group" is a sub-unit of the program consisting of eight children of the same sex. There shall be three groups of children in the program, two groups for males and one group for females.
- (3) A "regional placement committee" is a committee in each of the four regions of the state composed of no more than five representatives appointed by the Mental Health, Developmental Disabilities and Substance Abuse Services regional director. Each committee shall have at least three members who are formally licensed or certified to practice their professions and are fully qualified professionals as defined in G.S. 122C-3(31). One of the members' area of expertise shall be in mental retardation and at least two of these shall represent different mental health disciplines.
- (4) "Seclusion" is the placement of a child alone in a locked room when such placement of the child is neither a part of a systematic behavior change program written in the treatment plan nor a part of the procedural guidelines for at-risk procedures.
- (5) The "therapeutic hold" is the act of a staff member physically holding a child to protect the child from hurting himself or herself, from hurting others, or from destroying property.
- (6) "Time out" is the use of a designated room which may have a closed door but which shall not be locked, for the purpose of removing the child from a stressful situation.

*History Note: Authority G.S. 143B-147;
Eff. March 24, 1981;
Amended Eff. March 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 28G .0102 REFERRAL PROCESS

- (a) Prospective clients for the program shall be referred by any individual or public agency to the local area mental health, mental retardation and substance abuse program.
- (b) Any local area program that receives a referral of a prospective client shall conduct a diagnostic evaluation in accordance with 10 NCAC 18B .1218(8).
- (c) If the results of the diagnostic evaluation indicate that such referral is appropriate, the Director of the area program shall refer the prospective client to the appropriate regional placement committee.

*History Note: Authority G.S. 143B-147(a)(2)(a);
Eff. March 24, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 28G .0103 REVIEW BY THE REGIONAL PLACEMENT COMMITTEE

- (a) Upon receipt of the evaluation of a prospective client, the regional placement committee shall review the evaluation in order to determine whether placement in the program would be appropriate for the prospective client. Such determination shall be made by the committee within 30 days.
- (b) In considering appropriateness for placement, the committee shall determine the following:
 - (1) that the child is considered seriously emotionally disturbed, and either multi-handicapped or chronically impaired;
 - (2) that the child is between the ages of 10 and 18;
 - (3) that community and other residential placement have been considered and have been judged inappropriate; and
 - (4) that placement in the program is the least restrictive, appropriate environment.

- (c) The regional placement committee shall recommend placement to the Director of the Division of Mental Health, Developmental Disabilities and Substance Abuse Services. Upon review and approval by the Division director, the Director of the program shall accept the child for placement. Placement shall be made within two weeks of acceptance, if space is available. If no space is immediately available, the estimated length of time until the next opening shall be conveyed to the regional placement committee.
- (d) Placement in the program shall be limited to two children per region per group, unless this limitation is waived by the Division director.
- (e) Only children recommended by the regional placement committee may be placed in the program except that the Secretary of the Department of Health and Human Services may place children pursuant to G.S. 7A-652(e).
- (f) Priority for admission shall be given to Willie M. class members according to the provisions of 10A NCAC 29A .0101 through .0106 which are available in division publication APSR 45-8.

History Note: Authority G.S. 122C-181; 143B-147; S.L. 1981, Ch. 859;
Eff. March 24, 1981;
Amended Eff. February 1, 1982; September 30, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28G .0104 ADMISSION TO THE PROGRAM

- (a) A parent, guardian or person standing in loco parentis of a child recommended by the regional placement committee or transferred by the Secretary of Health and Human Services shall request voluntary admission of the child to the program.
- (b) The program shall have admission forms available.
- (c) Upon completion of the diagnostic evaluation, recommendation by the regional placement committee, approval by the Division director, and the availability of space, the child shall be admitted in accordance with the provisions of Article 4, Chapter 122C of the North Carolina General Statutes.

History Note: Authority G.S. 143B-147(a)(2)(a);
Eff. March 24, 1981;
Amended Eff. March 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28G .0105 REVIEW OF APPROPRIATENESS OF ADMISSION

After admission of the child, review procedures of Article 4, Chapter 122C of the North Carolina General Statutes shall be followed.

History Note: Authority G.S. 143B-147(a)(2)(a);
Eff. March 24, 1981;
Amended Eff. March 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28G .0106 TREATMENT AND EDUCATION PLAN

- (a) Within 24 hours of admission to the program a preliminary treatment plan shall be developed and implemented for the child. The treatment plan shall be based on a diagnostic study, including a physical examination performed at admission.
- (b) Within 30 days of admission, each client shall have a treatment plan, as required by G.S. 122C-57 and an individual education plan, as required by G.S. 115C-113, both to cover a period of three months.
- (c) A copy of the child's treatment plan and individual education plan shall be furnished to the parent, guardian, or person standing in loco parentis.
- (d) Copies of the treatment plan and individual education plan may be released to other persons or agencies within the limits of the Division's Confidentiality Regulations as codified in 10A NCAC 26B and published in APSM 45-1.

History Note: Authority G.S. 143B-147(a)(2)(a);
Eff. March 24, 1981;

Amended Eff. March 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28G .0107 PLAN FOR DISCHARGE

- (a) A discharge plan shall be developed jointly by the program staff, the area mental health, mental retardation and substance abuse program staff, the child's parent or guardian, and the child.
- (b) At least two weeks prior to discharge, the child shall have a completed discharge plan setting forth recommendations for meeting the child's treatment and education needs.

History Note: Authority G.S. 122C-57; 143B-147;
Eff. March 24, 1981;
Amended Eff. March 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28G .0108 TIME OUT

- (a) Time out procedures which employ the use of a time out room shall be implemented only upon the approval of the group supervisor. The use of such time out room procedures shall meet the minimum conditions expressed in this Rule.
- (b) The time out room shall be as follows:
 - (1) a permanent structural entity;
 - (2) constructed with an observation window or video tape equipment for monitoring;
 - (3) at least 80 square feet in floor space;
 - (4) adequately ventilated;
 - (5) adequately lighted either naturally or with artificial light;
 - (6) constructed so as to have a slip resistant, resilient floor; and
 - (7) located in a manner that will facilitate easy and speedy access.
- (c) A record shall be maintained which indicates the specific behavior for which the time out room procedure was used and shall include the child's name, the date, and time of entry into the time out room and the time of exit. The name of the staff person who placed the child in time out shall also be entered on the data sheet.
- (d) The program director shall review the time out room data sheets or a summarization of the data sheets at least every month.
- (e) General use of the time out room for a child shall be prohibited. The group supervisor shall approve time out room usage for specific behaviors and not for children without specifying the behaviors.
- (f) The use of a time out room requires adherence to the principle that the longer the child is in time out the lesser the effect on behavior. Time out room periods in excess of 15 minutes per child at any one time or an aggregate time out in excess of three hours in any 24 hour period shall be documented by very thorough justification.

History Note: Authority G.S. 122C-62; 143B-147;
Eff. March 24, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28G .0109 SECLUSION

- (a) Seclusion shall not be employed for any child unless imminent harm to the child or others exists. Seclusion shall be used only upon the approval of the group supervisor. Immediate action to develop a suitable program shall be implemented for the child.
- (b) The seclusion room shall follow the description provided in Rule .0108(b) of this Section for time out room.
- (c) A record shall be maintained which indicates the specific behavior for which the seclusion procedure was used and shall include the child's name, the date, and time of entry into seclusion and the time of exit. The name of the staff person who placed the child in seclusion shall also be entered on the data sheet.
- (d) The program director shall review the seclusion data sheets or a summarization of the data sheets at least weekly.
- (e) General use of seclusion for a child shall be prohibited. The group supervisor shall approve seclusion for specific behaviors and not for children without specifying the behaviors.

(f) The use of seclusion requires adherence to the principle that the longer the child is in seclusion the lesser the effect on behavior. Seclusion periods in excess of 15 minutes per child at any one time or an aggregate time out in excess of three hours in any 24 hour period shall be documented by very thorough justification.

*History Note: Authority G.S. 122C-60; 122C-62; 143B-147;
Eff. March 24, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 28G .0110 THERAPEUTIC HOLD

- (a) No physical restraint shall be employed beyond the use of the therapeutic hold.
- (b) Therapeutic hold shall under no circumstances be used as a punishment.
- (c) Therapeutic hold shall be employed only after less restrictive measures have failed to provide safety to the child and others.
- (d) Therapeutic hold shall under no circumstances be used in lieu of developing an intervention program designed to change the behavior necessitating therapeutic hold.
- (e) Records on the use of therapeutic hold shall be filed in the master record.
- (f) Only staff persons trained in the use of the therapeutic hold may use this treatment technique. Only training provided by the program director shall be approved.

*History Note: Authority G.S. 122C-60; 122C-62; 143B-147;
Eff. March 24, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*