

**10A NCAC 28I .0204 DETERMINATION OF COMPETENCY**

Upon completion of Part I of the request form, the physician shall request a determination of the competency of the client and a determination of whether or not the client has a guardian by a staff member or members designated by the Institution Director. The staff member or members shall respond within 24 hours of receiving the request. If, in the opinion of the designated staff member or members, the client is not competent, Part II of the request form shall be completed indicating the client's incompetency and the facts upon which the opinion is based including:

- (1) evidence of the client's incompetency to make or communicate a decision concerning the procedure indicated;
- (2) an indication of whether the client is mentally ill and mentally retarded; and
- (3) a determination of whether or not the client has a guardian.

If, in the opinion of the designated staff member or members, the client is competent, Part II of the request form shall be completed indicating the client's competency.

*History Note: Authority G.S. 108A-99 through 108A-111; 122C-57; 122C-61; 131-60.6; 143B-147; Eff. October 8, 1980; Amended Eff. April 1, 1990; July 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*