

SUBCHAPTER 28I – OTHER RULES PERTAINING TO STATE OPERATED FACILITIES AND SERVICES

SECTION .0100 – RULES GOVERNING DEPARTMENT: TRAFFIC, PARKING AND REGISTRATION OF VEHICLES AT DIVISION FACILITIES

10A NCAC 28I .0101 SCOPE

The provisions of Rules .0101 through .0112 in this Section apply to the grounds and all persons thereon and to the drivers of all vehicles, public or private, of those facilities that elect to enforce these rules. If a facility elects to enforce these rules, they shall be in force 24 hours a day, except as otherwise provided in the rules and it shall be unlawful for any person to violate the provisions of these rules except as otherwise permitted in the rules or in the General Statutes.

*History Note: Authority G.S. 143-116.6; 143-116.7;
Eff. January 1, 1987;
Amended Eff. April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 28I .0102 DEFINITIONS

The definitions of all terms shall be as provided in the General Statutes of North Carolina, insofar as they are provided. The meaning of other terms shall be as follows:

- (1) "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway.
- (2) "Dormant storage" means the parking of a non-operative vehicle for a period longer than seven days.
- (3) "Institution" means the Division's psychiatric hospitals, mental retardation centers, alcoholic rehabilitation centers, North Carolina Special Care Center at Wilson, Wright School and Whitaker School.
- (4) "Institution Director" means the chief administrative officer or manager of the institution or his designee.
- (5) "Law enforcement officer" means an individual who is qualified and has been certified or who is in the process of being certified according to the requirements of G.S. 17C-6 or has been appointed under G.S. 122C-183, adopted pursuant to G.S. 150B-14(c).
- (6) "Park" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of, and while actually engaged in loading and unloading.
- (7) "Secretary" means Secretary of the Department of Health and Human Services.
- (8) "Stop" means, when required complete cessation of movement.
- (9) "Street or roadway" means any way or place designated or marked by proper authorities for vehicular travel.
- (10) "Traffic office" means an office as designated by the Institution Director to administer these rules.
- (11) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon the grounds, excepting devices moved by human power.
- (12) "Walk or walkway" means a way designed for, or marked by proper authorities for, the exclusive use of pedestrians, whether along a street or roadway or not.

*History Note: Authority G.S. 143-116.6; 143-116.7;
Eff. January 1, 1987;
Amended Eff. April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 28I .0103 DEFACING SIGNS

No person without authority shall attempt to, or in fact, alter, deface, injure, knock down or remove any official traffic control sign or device or any railroad sign or signal, or any inscription, shield or insignia thereon, or any other

part thereof. Violators of this Rule shall be arrested and prosecuted according to the provisions of General Statute 14-132.

*History Note: Authority G.S. 14-132; 143-116.6;
Eff. January 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 28I .0104 OBEYING OFFICERS AND SIGNS

The driver of any vehicle shall obey the instructions of any law enforcement officer having jurisdiction to enforce the statewide motor vehicle laws and of any official traffic sign or control device applicable thereto, placed in accordance with the rules of this Section, unless otherwise directed by such officer. The Institution Director may erect, establish and maintain the signs, signals, and markings necessary to implement the rules in this Section and state motor vehicle laws applicable to the institution grounds.

*History Note: Authority G.S. 143-116.7;
Eff. January 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 28I .0105 VEHICLE REGISTRATION

(a) If the Institution Director elects to require vehicle registration, each vehicle used or parked on institution property by employees must be registered and must display an official sticker. Newcomers to the institutional staff shall display an official sticker within 48 hours of beginning employment, excluding holidays and weekends. For the purposes of the rules in this Section, "employees" shall include those persons who have assigned work stations on the grounds of the institution. Bonafide visitors to the institution are exempt from vehicle registration requirements. Students and trainees shall register their vehicles and display an official temporary permit valid up to 90 days.

(b) The registration sticker or temporary permit shall be displayed in such manner as designated by the Institution Director.

(c) Out-of-date stickers shall not be displayed on vehicles.

(d) No person shall display a counterfeit sticker or sticker issued to another vehicle or vehicle registrant.

(e) The person to whom the registration sticker is issued shall be responsible for all civil penalties charged for violation of the rules in this Section regardless of who is operating the vehicle.

(f) The employee shall present his ownership registration card or other proof of ownership, if requested, for the vehicle to be registered.

(g) A copy of the latest traffic rules shall be issued with each registration sticker.

(h) The individual assigned responsibility for a vehicle with a permanent state license shall receive notice of any improper operation of or citation issued to the vehicle for conveyance to the appropriate operator of the vehicle.

(i) Registration stickers shall serve as parking permits and may be obtained at such location as designated by the Institution Director.

(j) Registration stickers may be issued to be valid for a period of up to three years. There shall be a charge of one dollar (\$1.00) for each sticker issued to defray the cost of its issuance.

(k) A temporary permit shall be obtained when it is necessary to bring a vehicle on the grounds as a replacement for one previously registered. Temporary permits shall be obtained at the location designated by the Institution Director and shall be effective only for the period of time specified on the temporary permit.

*History Note: Authority G.S. 143-116.7;
Eff. January 1, 1987;
Amended Eff. April 1, 1990; January 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 28I .0106 VEHICLE OPERATION

(a) No vehicle shall be driven or ridden except upon the streets, roadways, alleys and driveways of the institution's grounds. Vehicles shall not be driven or ridden upon or within any sidewalk or walking area or within any area not designated for vehicular traffic.

(b) When stop signs or signals are erected upon streets, roadways, or alleys of the institution grounds each driver of a vehicle shall stop at every such sign or signal, or at a clearly marked stop line, before entering the street or intersection, except when directed to proceed by an officer or traffic control signal.

(c) When yield signs are erected upon streets, roadways, or alleys, each driver of a vehicle shall yield the right-of-way to opposing traffic before entering the street or intersection, except when directed to proceed by an officer or traffic control signal.

*History Note: Authority G.S. 143-116.7;
Eff. January 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 28I .0107 PARKING

(a) No person shall stop any vehicle in any street, roadway or parking lot except for parking or stopping as allowed by the Rules in this Section unless such stop is made necessary by:

- (1) the approach of emergency vehicles as defined in the General Statutes;
- (2) the approach of any procession which is given the right-of-way;
- (3) the stopping of a bus to load or unload passengers;
- (4) traffic signals;
- (5) the passing of some other vehicle or pedestrian; or
- (6) some emergency.

In the cases covered by these exceptions, vehicles shall stop so as not to obstruct any crosswalk, walkway, street, or intersection. In case of an emergency, provisions for the removal of the vehicle shall be made within a reasonable period of time. "Reasonable time" shall be determined by the seriousness of the hazard created by such an emergency stop.

(b) When signs are erected, placed or installed establishing time zones for parking and giving notice thereof, no person shall park a vehicle for a period of time longer than that indicated by the sign. Time zone restrictions shall be in effect at all times, unless otherwise indicated on the time zone sign.

(c) Vehicles shall be parked at the angle to the curb indicated by marks or signs, and no vehicle shall be parked in such a manner as to occupy more than the space indicated by lines, signs, or markings for one vehicle.

(d) Vehicles shall be parked only in designated parking spaces. Parking spaces are defined by appropriate painted lines in the surfaced parking areas and by parking bumper logs in the gravel-dirt parking areas.

(e) Vehicles shall be parked with the front end toward the curb except where parallel parking is indicated. In no instance shall a vehicle be parked with its rear to the curb.

(f) No person shall park a vehicle upon any street, roadway, alley, parking lot or driveway for the principal purpose of:

- (1) displaying it for sale;
- (2) washing, greasing or repairing such vehicle except for repairs necessitated by an emergency; or
- (3) storage which is not incident to the bonafide use and operation of such vehicle.

(g) Agents designated by the Institution Director may remove to a place of storage, at the owner's expense, any unattended vehicle illegally stopped or parked in such a manner as to be: blocking the normal movement of a properly parked car; obstructing the flow of traffic; creating a safety hazard endangering life or property; using authorized or unauthorized parking space for dormant storage; or in violation of the Rules in this Section. Any such removal shall meet the requirements of Article 7A of Chapter 20 of the General Statutes, adopted pursuant to G.S. 150B-14(c).

(h) Nothing in the Rules in this Section shall be deemed to prohibit authorized service vehicles from operating in such a manner as is necessary for the particular service being performed.

*History Note: Authority G.S. 143-116.7;
Eff. January 1, 1987;
Amended Eff. April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

10A NCAC 28I .0108 PARKING AREAS

All vehicles may park in any designated parking location on a first-come, first-served basis, except in those areas designated and marked as service zones, loading zones, handicapped parking, and restricted and reserved parking zones or spaces.

History Note: Authority G.S. 143-116.7;
Eff. January 1, 1987;
Amended Eff. April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28I .0109 PARKING EXCEPTIONS

If a vehicle must be parked in violation of the Rules in this Section due to an emergency situation, the employee or visitor shall notify the institution traffic office immediately and give his name, make and color of vehicle, parking permit number if applicable, location, description of the emergency, and estimated time vehicle will need to remain in the prohibited area.

History Note: Authority G.S. 143-116.7;
Eff. January 1, 1987;
Amended Eff. April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28I .0110 SPEED LIMITS

Speed limits for the grounds of the institution shall be indicated by clearly marked standard speed limitation signs posted in conspicuous locations next to streets and roadways. Speed limits lower than those provided in G.S. 20-141 shall be established only upon the direction of the Secretary and shall be based upon a traffic and engineering investigation conducted pursuant to G.S. 143-116.7(b). A copy of the traffic and engineering investigation may be inspected in the traffic office of the institution.

History Note: Authority G.S. 143-116.7;
Eff. January 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28I .0111 STREET AND GROUNDS RESTRICTIONS

(a) No person shall use the streets, roadways, parking lots, alleys, driveways, or sidewalks for the purpose of advertising any article, commodity, service, or event by sign, poster, drawing, painting, or photograph, by crying out the same, or by using any loudspeaker, musical instrument or noise making device. However, the Institution Director may formulate and issue a policy regarding the broadcasting of official announcements or instructions for a specific event.

(b) No person, firm, or corporation shall use the streets, roadways, parking lots, alleys, driveways, or sidewalks for the purpose of selling, or offering for sale, any article, commodity or service.

(c) The Institution Director may close any street, roadway, parking lot, or driveway, or any portion thereof, when necessary for the purpose of construction or maintenance work, or for the protection of pedestrians or for special events. When such closing has been indicated by proper signs, barriers or obstructions, no person shall willfully drive into or upon such street, roadway, alley, or driveway, or portion thereof, or breakdown, remove, injure or destroy any such sign, barrier or obstruction.

(d) No person, firm, or corporation shall throw, dump or place in any manner any paper, glass, trash, garbage, rubbish, filth, wood, boxes, dirt, or any other articles of substance on any street, roadway, parking lot, alley, driveway, or sidewalk of the institutional grounds or any place where such matters may be blown or washed or may fall in these areas. This Subparagraph shall not be deemed to prohibit any construction or maintenance work or properly authorized disposal operations.

History Note: Authority G.S. 143-116.6; 143-116.7;
Eff. January 1, 1987;
Amended Eff. April 1, 1990;

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

10A NCAC 28I .0112 VIOLATIONS

(a) Violation of the rules in this Section shall subject the offender to a civil penalty. The offender and the person to whom the vehicle is registered may be charged civil penalties for non-moving violations as follows:

- (1) employees only:
 - (A) failure to register a vehicle, five dollars (\$5.00);
 - (B) failure of a registered vehicle owner to secure a temporary permit when using a non-registered vehicle, two dollars (\$2.00);
 - (C) failure to display or improper display of parking sticker, two dollars (\$2.00); and
 - (D) failure to remove expired parking sticker, two dollars (\$2.00); and
- (2) all violators:
 - (A) parking in a restricted area or restricted parking space, five dollars (\$5.00);
 - (B) blocking a fire hydrant, five dollars (\$5.00);
 - (C) parking on grass, five dollars (\$5.00);
 - (D) blocking a walkway, two dollars (\$2.00);
 - (E) double parking or parking in driving lane, five dollars (\$5.00);
 - (F) improper use of a service zone, five dollars (\$5.00);
 - (G) parking out of space, two dollars (\$2.00);
 - (H) parking with rear of vehicle to curb, two dollars (\$2.00);
 - (I) overtime parking, two dollars (\$2.00);
 - (J) parking in "non-parking" zone, five dollars (\$5.00); and
 - (K) parking in a "handicapped space," twenty-five dollars (\$25.00).

(b) Civil penalties for non-moving violations listed in (a) of this Rule shall be processed as follows:

- (1) By the fifth calendar day of the month following the citation, the face value of the penalty indicated may be paid by writing on the ticket the name of the person to whom the vehicle is registered and mailing it together with payment to the person or office as designated on the citation by the institution director.
- (2) If the person receiving the citation feels that the citation was unjustly issued, a request for review may be made in writing to the director of the institution. The request for review shall be made within five days of the date the citation was issued and shall state the reason for review. The director shall notify the person in writing of the final decision regarding the review. If the decision sustains the issuance of the citation, the date of written notice shall become the effective date of issue of the citation and the penalty shall be paid according to the instructions in (b)(1) of this Rule. If the review determines a citation should not have been issued, no further action shall be required.
- (3) If the penalty is not paid by the fifth calendar day of the month following the citation, the institution director shall mail a notice to the person in whose name the vehicle is registered. If the offender is an institution employee, the division supervisor and the appropriate supervisor shall also be instructed to contact the registrant.
- (4) If the penalty is not paid by the last calendar day of the month following the citation, the institution director shall:
 - (A) initiate enforcement by civil action in the nature of a debt;
 - (B) instruct the employee's supervisor to initiate disciplinary action; or
 - (C) employ both actions.

(c) Court citations shall be issued for all violations not listed in (a) of this Rule including all violations of state motor vehicle laws, all speeding violations, violations arising from failure to obey traffic control signs or devices, and violations of department and grounds control requirements. The offender shall be cited to stand trial for the alleged offense in the General Court of Justice by the officer observing the violation.

*History Note: Authority G.S. 20-37.6(f); 143-116.6; 143-116.7;
Eff. January 1, 1987;
Amended Eff. July 1, 1994; April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.*

SECTION .0200 - PROCEDURES FOR OBTAINING ADULT PROTECTIVE SERVICES

10A NCAC 28I .0201 SCOPE

The purpose of the rules in this Section is to set forth the procedures for obtaining adult protective services for clients in need of medical or surgical treatment who are residing in regional mental retardation centers, and regional psychiatric hospitals, and North Carolina Special Care Center of the Division, and who appear to be incompetent. These Rules do not apply to immediate life threatening disorders in which medical or surgical action can take place without consent pursuant to G.S. 90-21.13(3).

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. July 1, 1983; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28I .0202 DEFINITIONS

As used in this Section the following terms shall have the meanings specified:

- (1) "Adult protective services" means services provided by the State or other government or private organizations or individuals which are necessary to protect the disabled adult from abuse, neglect, or exploitation. They shall consist of evaluation of the need for service and mobilization of essential services on behalf of the disabled adult as outlined in G.S. 108A-99 through 108A-111.
- (2) "Disabled adult" means an adult resident of a regional psychiatric hospital, regional mental retardation center, or North Carolina Special Care Center of the Division who needs medical or surgical treatment and is mentally incompetent to give his consent to that treatment and has no legal guardian or guardian as defined in G.S. 122C-3.
- (3) "Emergency" [as defined in G.S. 108A-101(g)] refers to a situation where:
 - (a) the disabled adult is in substantial danger of death or irreparable harm if protective services are not provided immediately;
 - (b) the disabled adult is unable to consent to services;
 - (c) no responsible, able or willing caretaker is available to consent to emergency services; and
 - (d) there is insufficient time to utilize procedure provided in G.S. 108A-105.
- (4) "Legal guardian" means a "guardian of the person" as defined in G.S. 35A-1202 and appointed pursuant to G.S. Chapter 35A.
- (5) "Institution" means either a regional psychiatric hospital, regional mental retardation center or North Carolina Special Care Center of the Division.
- (6) "Request form" means the "Request for Initiation of Adult Protective Services" form which is a standard form to be obtained from the Division.
- (7) "Emergency request" means a request that is made because of the following conditions:
 - (a) a disabled adult is in need of protective services and is incompetent to consent to them;
 - (b) an emergency exists within the context of G.S. 108A-106; and
 - (c) no other person authorized by law or order to give consent for the person is available and willing to arrange for emergency services.

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

10A NCAC 28I .0203 INITIATION OF REQUEST FOR ADULT PROTECTIVE SERVICES

(a) Any duly licensed physician who is a staff member of, or is under contract with, the institution may initiate a request for adult protective services when in his opinion the client is in need of medical or surgical treatment without which there is reason to believe the client's life could be threatened or when delay in treatment would cause permanent damage or disability to the client and if:

- (1) in the physician's opinion, the client is not competent to give consent to medical or surgical treatment;
- (2) the client does not have a legal guardian or a guardian as defined in G.S. 122C-3; and
- (3) where the appointment of a legal guardian would take such time as to endanger the client as indicated in this Rule.

(b) When the requirements in (a) of this Rule are met, the physician shall complete Part I of the request form. Information on the form shall be complete and indicate:

- (1) the current condition of the client;
- (2) needed intervention;
- (3) probable implications if intervention is delayed; and
- (4) if the situation constitutes an emergency and, if so, the reasons for the emergency.

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.

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.

10A NCAC 28I .0205 REVIEW OF REQUEST FORM

(a) Upon completion of the determination of the competency of the client, and of whether or not the client has a guardian, the request form shall be sent to the Institution Director or his designee for review of the completeness of information and appropriateness of pursuing adult protective services. If any information on the request form is incomplete, the appropriate staff member shall be notified and requested to furnish the information necessary to complete the request form within 24 hours.

(b) If the designated staff member or members determine the client to be competent, or if the client is incompetent and has a guardian, the initiating physician shall be notified within 24 hours and the procedure terminated, or the initiating physician may appeal to the Institution Director or the Director's designee for a review of that determination by completing Part III of the request form.

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. July 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28I .0206 NOTIFICATION OF COUNTY DEPARTMENT OF SOCIAL SERVICES

(a) When review of the request form is complete and it seems appropriate to pursue adult protective services, the material shall be forwarded to the Institution Director or the Director's designee for final review and completion of Part IV of the request form. The Director or the Director's designee of the Department of social services in the county where the institution is located shall be called and notified that a request for adult protective services is being sent. The supporting data with cover letter shall then be forwarded to the county department of social services within 24 hours.

(b) Institutions shall send the request for adult protective services to the Department of social services in the county in which the institution is located within 24 hours.

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. July 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28I .0207 STAFF PARTICIPATION IN COURT HEARINGS

When an investigation of a request for adult protective services results in a court hearing, institutional staff shall be available to attest to the facts listed in the request for protective services or those facts listed in the actual petition for such services.

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

10A NCAC 28I .0208 INSTITUTIONAL ACTION FOLLOWING SOCIAL SERVICES APPROVAL

(a) Upon receipt of telephone notification by the Director of the county department of social services or the Director's designee of approval for treatment, the Institution Director shall notify the physician who instituted the request for such approval so that arrangements can be made for treatment and of the need to await written consent from the county department of social services prior to initiating any medical or surgical procedures.

(b) Upon receipt of written consent from the county department of social services, the procedures approved may be initiated.

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

SECTION .0300 - PRESCRIBING OF MEDICATIONS ABOVE RECOMMENDED DOSAGES

10A NCAC 28I .0301 SCOPE

(a) The rules in this Section define the limits on prescribing medications above recommended dosages for extended periods for clients institutionalized in division institutions.

(b) The rules in this Section shall apply to prescribing of medications in all division institutions except Wright School.

History Note: Authority G.S. 143B-147;
Eff. July 15, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28I .0302 DEFINITIONS

For the purposes of this Section, the following terms shall have the meanings indicated:

- (1) AMERICAN HOSPITAL FORMULARY SERVICE. A two-volume collection of drug monographs and other information published by the American Society of Hospital Pharmacists, 4630 Montgomery Avenue, Washington, D.C. 20014.

- (2) PHYSICIAN'S DESK REFERENCE. A drug reference text published by Medical Economics Company, A Litton Division, Oradell, New Jersey 07649.
- (3) AMA DRUG EVALUATIONS. A drug reference text published by Publishing Sciences Group, Inc., Acton, Massachusetts.
- (4) Formulary. A list of medications approved for use within an institution.

History Note: Authority G.S. 143B-147;
Eff. July 15, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28I .0303 STANDARD OF MAXIMUM DOSAGE

Each institution Pharmacy and Therapeutics Committee shall establish a standard of maximum dosage for each medication included in its formulary. The standard shall be established in accordance with dosage recommendations in the AMERICAN HOSPITAL FORMULARY SERVICE, PHYSICIAN'S DESK REFERENCE, and AMA DRUG EVALUATIONS.

History Note: Authority G.S. 143B-147;
Eff. July 15, 1980;
Amended Eff. April 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28I .0304 REVIEW OF MEDICATION ORDERS

All medication orders shall be reviewed prospectively during normal working hours by the institution pharmacy department for compliance with the established standard referenced in Rule .0603 of this Section. If the medication is prescribed above the established limits the pharmacy department shall notify the prescribing physician.

History Note: Authority G.S. 143B-147;
Eff. July 15, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28I .0305 JUSTIFICATION OF MEDICATION ORDERS

- (a) Medication prescribed above the established standard of maximum dosage shall be justified by the physician in the client's record.
- (b) The physician shall rejustify the continued use of a prescribed medication above the established standard of maximum dosage in the client's record at least every 90 days.

History Note: Authority G.S. 143B-147;
Eff. July 15, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

10A NCAC 28I .0306 REPORT TO CLINICAL DIRECTOR

The Pharmacy Director shall make a monthly report to the Clinical Director of clients receiving medications above the institution's established standard of maximum dosage.

History Note: Authority G.S. 143B-147;
Eff. July 15, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.

SECTION .0400 - MISCELLANEOUS

10A NCAC 28I .0401 FIREARMS

History Note: Authority G.S. 143B-147;
Eff. February 1, 1976;
Repealed Eff. May 1, 2007.

10A NCAC 28I .0402 FIREARMS

- (a) Each state facility shall develop and implement written policies concerning firearms.
- (b) The written policies shall include:
 - (1) a provision stating that only a law enforcement officer as set forth in G.S. 143-166.2(d) may bring a firearm onto the grounds of the facility;
 - (2) a provision setting forth the areas of the facility where firearms are prohibited including law enforcement officers' firearms. At a minimum, each facility's policy shall prohibit firearms from any patient or resident care area unless a law enforcement officer determines it is necessary to ensure client or staff safety; and
 - (3) a provision stating that prior to entering an area of the facility where firearms are prohibited, a law enforcement officer shall:
 - (A) secure his or her firearm in his or her locked motor vehicle; or
 - (B) deposit his or her firearm in a secured site as designated by the facility.

History Note: Authority G.S. 122C-112.1;
Eff. May 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.