

**Mental Health, Developmental Disabilities and Substance  
Abuse Services Act of 1985  
(North Carolina General Statute § 122C-26)**

**122C-26. Powers of the Commission.**

In addition to other powers and duties, the Commission shall exercise the following powers and duties:

- (1) Adopt, amend, and repeal rules consistent with the laws of this State and the laws and regulations of the federal government to implement the provisions and purposes of this Article;
- (2) Issue declaratory rulings needed to implement the provisions and purposes of this Article;
- (3) Adopt rules governing appeals of decisions to approve or deny licensure under this Article;
- (4) Adopt rules for the waiver of rules adopted under this Article; and
- (5) Adopt rules applicable to facilities licensed under this Article:
  - a. Establishing personnel requirements of staff employed in facilities;
  - b. Establishing qualifications of facility administrators or directors;
  - c. Establishing requirements for death reporting including confidentiality provisions related to death reporting;
  - d. Establishing requirements for patient advocates; and
  - e. Requiring facility personnel who refer clients to provider agencies to disclose any pecuniary interest the referring person has in the provider agency, or other interest that may give rise to the appearance of impropriety. (1983, c. 718, s. 1; 1985, c. 589, s. 2; 2000-55, s. 5; 2005-276, s. 10.33.)