

**G.S. 150B-21.3A Report for 10A NCAC 27G, RULES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE FACILITIES AND SERVICES**

Agency - DHHS - Division of MH/DD/SAS

Comment Period - December 21, 2018 - February 19, 2019

Date Submitted to APO - May 20, 2019

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	<b>SECTION .0500 - AREA PROGRAM REQUIREMENTS</b>	10A NCAC 27G .0505	NOTIFICATION PROCEDURES FOR PROVISION OF SERVICES	Eff. May 1, 1996	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0506	COMMUNICATION PROCEDURES FOR OUT OF HOME COMMUNITY PLACEMENT	Eff. July 1, 2004	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0507	AREA BOARD ANNUAL EVALUATION OF AN AREA DIRECTOR	Eff. May 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	<b>SECTION .0600 - AREA AUTHORITY OR COUNTY PROGRAM MONITORING OF FACILITIES AND SERVICES</b>	10A NCAC 27G .0601	SCOPE	Amended Eff. August 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0602	DEFINITIONS	Amended Eff. August 1, 2009	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0603	INCIDENT RESPONSE REQUIREMENTS FOR CATEGORY A AND B PROVIDERS	Amended Eff. August 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0604	INCIDENT REPORTING REQUIREMENTS FOR CATEGORY A AND B PROVIDERS	Amended Eff. August 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0605	LOCAL MANAGEMENT ENTITY MANAGEMENT OF INCIDENTS	Amended Eff. August 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0606	REFERRAL OF COMPLAINTS TO LOCAL MANAGEMENT ENTITIES PERTAINING TO CATEGORY A OR CATEGORY B PROVIDERS	Amended Eff. August 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0608	LOCAL MONITORING	Amended Eff. August 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0609	LOCAL MANAGEMENT ENTITY REPORTING REQUIREMENTS	Amended Eff. August 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0610	REQUIREMENTS CONCERNING THE NEED FOR PROTECTIVE SERVICES	Amended Eff. August 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	<b>SECTION .0800 - WAIVERS AND APPEALS</b>	10A NCAC 27G .0805	PROCEDURE FOR WAIVERS BY DIVISION DIRECTOR	Eff. May 1, 1996	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0806	WAIVERS REQUESTED BY DIVISION DIRECTOR	Eff. May 1, 1996	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0808	APPEALS PROCEDURES FOR CONTRACT PROVIDERS	Eff. May 1, 1996	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0810	STATE MH/DD/SA APPEALS PANEL ADMINISTRATIVE REVIEW PROCEDURES	Amended Eff. December 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0811	STATE MH/DD/SA APPEALS PANEL HEARING PROCEDURES	Amended Eff. December 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .0812	STATE MH/DD/SA APPEALS PANEL HEARING DECISIONS	Amended Eff. December 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	<b>SECTION .7000 - LOCAL MANAGEMENT ENTITY RESPONSE TO COMPLAINTS</b>	10A NCAC 27G .7001	SCOPE	Eff. July 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .7002	LOCAL MANAGEMENT ENTITY REQUIREMENTS CONCERNING COMPLAINTS	Eff. July 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .7003	REQUIREMENTS FOR LOCAL MANAGEMENT ENTITY COMPLAINT INVESTIGATIONS	Eff. July 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 27G .7004	APPEALS REGARDING UTILIZATION REVIEW DECISIONS FOR NON-MEDICAID SERVICES	Eff. July 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

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	SECTION .7100 – TARGET POPULATION	10A NCAC 27G .7101	SCOPE	Eff. August 1, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

Agency	Rule	Name	Type of Comment	Comment	Agency Response
Copy all columns in this row to the right of this yellow cell and paste in			Select One		
Division of MH/DD/SAS	10A NCAC 27G .0602	Definitions	Other Statement	Complaints filed against a private unlicensed mental health medical provider are not addressed anywhere in the definitions. Hospitals are discharging clients to unlicensed private mental health programs for intensive outpatient services that offer services to at least 3 or more adults for more than 3 hours a day. This is not addressed in any law or Rule.	It is not clear what is meant by "mental health medical provider"; the NC Medical Care Commission has authority to adopt rules governing the operation of health care facilities including hospitals. Hospital discharge procedures are not governed by these rules. With mh/dd/sas rules, "Provider category" means the type of facility in which a client receives services or resides. The provider category determines the extent of monitoring that a provider receives and is determined as provided in rule.