

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services intends to readopt without substantive changes the rules cited as 10A NCAC 26D .1104, .1105, .1202, .1203, .1204, .1206.

Pursuant to G.S. 150B-21.2(c)(1), the text of rules to be readopted without substantive changes are not required to be published. The text of the rules is available on the OAH website: http://reports.oah.nc.us/ncac.asp.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.ncdhhs.gov/divisions/mhddsas/councils-commissions/rulemakingprocess/proposedrules

Proposed Effective Date: January 1, 2019

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): An agency must hold a public hearing on a rule it proposes to adopt if the agency publishes the text of the proposed rule in the North Carolina Register and the agency receives a written request for a public hearing on the proposed rule within 15 days after the notice of text is published. A request for a public hearing must be submitted in writing to dmhddsasrules@dhhs.nc.gov.

Reason for Proposed Action: These rules must be readopted per the requirements of G.S. 150B-21.3A as they were determined necessary with substantive public interest during the periodic review process.

Comments may be submitted to: W. Denise Baker, 3001 Mail Service Center, Raleigh, NC 27699-3001; email dmhddsasrules@dhhs.nc.gov

Comment period ends: November 16, 2018

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery

service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
Local funds affected
Substantial economic impact (≥\$1,000,000)
Approved by OSBM
No fiscal note required by G.S. 150B-21.4
No fiscal note required by G.S. 150B-21.3A(d)(2)

CHAPTER 26 - MENTAL HEALTH, GENERAL

SUBCHAPTER 26D - NORTH CAROLINA DEPARTMENT OF CORRECTION: STANDARDS FOR MENTAL HEALTH AND MENTAL RETARDATION

SECTION .1100 – MEDICATION SERVICES

10A NCAC 26D .1104 INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 26D .1105 PSYCHOTROPIC MEDICATION EDUCATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .1200 - PROTECTIONS REGARDING CERTAIN PROCEDURES

10A NCAC 26D .1202 USE OF SECLUSION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 26D .1203 USE OF RESTRAINT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 26D .1204 PROTECTIVE DEVICES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 26D .1206 INVOLUNTARY REFERRALS AND TRANSFERS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

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Notice is hereby given in accordance with G.S. 150B-21.2 that the Social Services Commission intends to adopt the rule cited as 10A NCAC 67A .0301.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www2.ncdhhs.gov/dss/sscommission/index.htm>

Proposed Effective Date: March 1, 2019

Public Hearing:

Date: November 14, 2018

Time: 10:00 a.m.

Location: NC Department of Social Services, 820 Boylan Avenue, McBryde Building 1st Floor, Room 151, Raleigh, NC 27603

Reason for Proposed Action: Session Law 2017-41 requires that the Social Services Commission shall adopt rules governing the obligations of counties to contribute financially to regional social services departments in accordance with G.S. 108A-15.3A(e).

NC Session Law 2017-41 (House Bill 630), Rylan's Law/Family/Child Protection and Accountability Act requires the Department of Health and Human Services (DHHS) to establish a regional system for supervision of county departments of social services to improve accountability and state oversight of social services programs. Specific emphasis is placed upon improving outcomes for families and children involved with child welfare services. Recent federal and statewide reviews have identified troubling gaps and flaws in North Carolina's child welfare system that place children's safety at risk and transforming the child welfare systems is necessary to better ensure the safety, permanency, and well-being of children and families. The evaluations of the child welfare system have concluded that counties require performance improvement in several areas.

Additionally, county social services agencies are facing significant resource and administration challenges in areas other than child welfare, such as public assistance and adult services, and are not meeting standards for timeliness and accuracy.

Among a host of other provisions to improve child welfare and other social services programs, Rylan's Law gives counties authority to voluntarily consolidate programs or whole departments of social services. If one or more counties choose to consolidate, this option creates a regional department of social services (RDSS). Pursuant to N.C.G.S. 108A-15.3A(a), "a regional social services department, including more than one county, may be formed upon agreement of the county boards of commissioners and, if applicable, either the county board of social services or consolidated human services board having jurisdiction over each of the counties involved."

A RDSS will be its own governmental entity and function separately from the counties. The option to create a RDSS allows counties the flexibility to combine resources to improve the provision of social services amongst more than one county.

Proposed Rule 10A NCAC 67A .0301 is responsive to the overarching goal of giving counties maximum flexibility to meet the administrative and programmatic needs of their social services agencies and regions. The proposed rule considers the myriad of potential options to combine county resources to improve the provision of services to citizens in their respective regions.

Comments may be submitted to: Belivia Spaulding, 820 South Boylan Avenue, MSC 2402, Raleigh, NC 27603; phone (919) 527-6335; fax (919) 334-1198; email SSCommission@dhhs.nc.gov

Comment period ends: November 16, 2018

Procedure for Subjecting a Proposed Rule to Legislative Review:

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Fiscal impact (check all that apply).

- State funds affected
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CHAPTER 67 - SOCIAL SERVICES - PROCEDURES

SUBCHAPTER 67A - GENERAL ADMINISTRATION

SECTION .0300 - REGIONAL SOCIAL SERVICES DEPARTMENTS

10A NCAC 67A .0301 REGIONAL DEPARTMENTS OF SOCIAL SERVICES FINANCIAL OBLIGATIONS OF COUNTIES

Counties creating or joining a regional social services department pursuant to G.S. 108A-15.7, shall enter into a written agreement that sets forth, at a minimum, the following financial obligations and the amount or method in which each county will appropriate funds to the regional social services department for:

- (1) the administration of programs of social services and public assistance;
(2) the county share of public assistance program costs;
(3) any recoupments following fiscal or program monitoring or audit findings.

Authority G.S. 108A-15.7; 143B-153(9).

TITLE 11 - DEPARTMENT OF INSURANCE