

Review Process for the Designation of Facilities to Treat Individuals Under Petitions for Involuntary Commitment (IVC)

GS§ 122C-252. Twenty-four hour facilities for custody and treatment of involuntary clients.

State facilities, 24-hour facilities licensed under this Chapter or hospitals licensed under Chapter 131E may be designated by the Secretary as facilities for the custody and treatment of involuntary clients. Designation of these facilities shall be made in accordance with rules of the Secretary that assure the protection of the client and the general public. Facilities so designated may detain a client under the procedures of Parts 7 and 8 of this Article both before a district court hearing and after commitment of the respondent.

10A NCAC 26C .0101 SCOPE

(c) Facilities that are licensed in accordance with G.S. 122C requirements in the following categories may request a designation to care for and treat individuals under petitions of involuntary commitment:

- (1) 10A NCAC 27G .3100 Nonhospital Medical Detoxification for Individuals who are Substance Abusers;
- (2) 10A NCAC 27G .5000 Facility Based Crisis for Individuals of all Disability Groups; and
- (3) 10A NCAC 27G .6000 Inpatient Hospital Treatment for Individuals who have Mental Illness or Substance Abuse Disorders.

10A NCAC 26C .0103 REVIEW PROCESS

(a) Upon receipt of the request, the DMH/DD/SAS shall review the following regarding the facility prior to granting designation:

- (1) status of licensure by the Division of Health Service Regulation;
- (2) status of accreditation by an accrediting body, such as the Council on Accreditation, the Council on Quality and Leadership, the Council on Accreditation of Rehabilitation Facilities, or The Joint Commission, and review of the most recent survey report;
- (3) adequacy of treatment program provided clients;
- (4) consistency of staff coverage with proposed services;
- (5) existence and adequacy of staff capability to manage the more dangerous and violent involuntary client as well as procedures for transfer to a more secure facility, where applicable;
- (6) existence and adequacy of security procedures, including elopement and suicide prevention procedures;
- (7) existence and adequacy of seclusion and restraint capabilities, policies and procedures;
- (8) adequacy of staff training as to North Carolina laws pertaining to the involuntary committed client; and
- (9) existence and adequacy of clients' rights policies and procedures.

(b) The facility shall make information specified in Paragraph (a) of this Rule available to the DMH/DD/SAS and such other information relevant to the request process as the DMH/DD/SAS shall request.

Designation decisions are made by an interdisciplinary review committee. The focus of the review is to determine whether the documentation submitted adequately addresses the capability of the facility to successfully integrate individuals who have been determined to be a danger to self or others into the treatment program based on the criteria in rule.

The application looks at admission procedures, levels of acuity, the existence and adequacy of seclusion and restraint techniques, staff composition and staff coverage, programmatic elements of the treatment program, and safety and security measures.

Additional requirements include whether the facility is able to provide the first and second commitment examination, arrangements for commitment hearings, training of staff in alternatives to the use of seclusion and restraint, a letter of support from the LME-MCO in the catchment area where the facility is located.

A copy of the application and related regulations pertaining to the designation process including the reporting requirements for designated facilities is contained in the attached document.