

NC Department of Health and Human Services
Division of Health Service Regulation

HEALTH AND HUMAN SERVICES

New Provider Orientation

Division of Health Service Regulation
Mental Health Licensure & Certification Section
(Revised 7/19/2015)

Mental Health Licensure & Certification Section <http://www.ncdhhs.gov/dhsr>

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Objectives

Upon completion of this training, each participant will:

- Comprehend the knowledge and skills required to be a successful mental health provider
- Become familiar with the General Statutes and numerous rules and regulations required for licensure
- Understand the role of DHSR, DMH/DD/SAS, DMA and the LME/MCO
- Identify the steps in the initial licensure process

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Getting Started

The process starts when **you**:

- Contact us
- Visit our website
- Understand the importance and **legal** aspects of having a mental health license



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Knowledge Required

A mental health provider must have knowledge and be proficient in a variety of areas. Some include:

- Assessment & Treatment Planning
- Client Rights & Confidentiality
- CPR & First Aid
- The Population Served
- Cultural Awareness
- Medications
- Restrictive Interventions

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Skills Required

A mental health provider must have skills in a variety of areas. Some include:

- Interpersonal Skills
- Communication Skills
- Decision Making
- Clinical Expertise
- Critical Thinking
- Problem solving
- Collaboration

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Statute, Rule, Policy & Procedure

General Statutes
 *General Assembly
 *Signed by Governor

Licensure Rules
 *MH Commission
 *DHHS Secretary

Policy & Procedure
 *Policy = Intent
 *Procedure = Guidelines
 *Agency Specific

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North Carolina General Statute 122C

- General Statutes are laws passed by the NC General Assembly and signed by the Governor. These laws:
 - Outline the basic requirements for licensure
 - Define what constitutes a mental health licensable facility
 - Designate client rights available to all people served
 - Include requirement not set forth in rule such as information about penalties and sanctions
- The Department of Health and Human Services creates rules from General Statutes to provide guidance on how to meet the requirements of the law

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Rules and Regulations

The following rules are essential for all licensed mental health facilities to help formulate the required Operations and Management Policies, Guidelines and Procedures:

- 10A NCAC Chapter 26 Mental Health, General
 - Subchapter C: Other General Rules
- 10A NCAC Chapter 27 Mental Health, Community Facilities and Services
 - Subchapter C: Procedures and General Information
 - Subchapter D: General Rights
 - Subchapter E: Treatment or Habilitation Rights
 - Subchapter F: 24-Hour Facilities
 - Subchapter G: Rules for Mental Health, Developmental Disabilities, and Substance Abuse Facilities and Services
- Rules can be obtained online at:
<http://www.ncdhhs.gov/dhsr/mhics/rules.html>

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Core Licensure Rules

Every licensed facilities must adhere to all core rules in 27G .0100 - .0905

- Core rules include, but are not limited to:
 - General & staff definitions
 - Governing body policy requirements
 - Client record requirements
 - Staff record & training requirements
 - Client services & treatment plan requirements
 - Emergency plan requirements
 - Medication requirements
 - Physical plant requirements
 - Licensing requirements
 - Incident reporting requirements

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Program Specific Licensure Rules

In addition to core rules, facilities must also adhere to the program specific rules for the licensed service category.

- Program specific rules are within 10A NCAC Chapter 27G .1000 - .7101
- Providers must know the service they are licensed to provide and ensure they adhere to the correct program specific rules
- For example: a provider licensed to provide residential services to adults with mental illness would be licensed as a "5600A"
 - In addition to the core rules, the provider must also adhere to rules 27G .5601 - .5604

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Client Rights Rules

In addition to core and program specific rules, facilities must adhere to all client rights rules.

- Client rights rules are within 10A NCAC Chapter 27
 - Subchapter C: Procedures and General Information
 - Subchapter D: General Rights
 - Subchapter E: Treatment or Habilitation Rights
 - Subchapter F: 24-Hour Facilities
 - These client rights rules only apply to facilities licensed to provide residential services
- Client rights rules cannot be waived

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Session Law 2015-36: Burt's Law

- Effective 12/1/2015
 - Enhances the protections for clients of facilities whose primary purpose is to provide services for the care, treatment habilitation or rehabilitation of individuals with mental illness, developmental disabilities or substance abuse disorders.
 - Imposes a reporting requirement on employees and volunteers who **witness** a sexual offense or offense against morality perpetrated against a client.
 - Makes failure to report these violations a class A1 misdemeanor.

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Session Law 2015-36: Burt's Law

N.C. General Statute 122C-66: Protection from abuse and exploitation; reporting:
 "(b1) The employee of or volunteer at a facility who witnesses a client become a victim of a violation of Article 7A or Article 26 of Chapter 14 of the General Statutes shall report the allegations within 24 hours after witnessing the violation to one of the following: (i) the department of social services in the county where the facility serves the client; (ii) the district attorney in the district where the facility serves the client; or (iii) the appropriate local law enforcement agency in the city or county where the facility serves the clients. A violation of this section is a Class A1 misdemeanor. No employee making a report may be threatened or harassed by any other employee or volunteer on account of the report"

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Policy and Procedure

- Policies are the business rules under which an agency will operate. They ensure consistency and compliance with state rule and statute.
- Policies are the guidelines under which procedures are developed.
- Policies and procedures should be written clearly enough that your newest least skilled staff person knows what to do just by reading it.

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NCAC 27G .0400 – Licensing Procedures

Section 27G .0400 of the North Carolina Administrative Code sets forth the requirements for mental health licensure.

- Rules in this section include, but are not limited to:
 - The requirement that DHSR conducts inspections *without advance notice* (27G .0404(f))
 - The requirement for annual surveys for residential facilities (27G .0404(h))
 - The requirement that providers notify DHSR in writing 30 days prior to an increase/decrease in capacity, change of program service, change of location and/or construction of a new facility or renovations to an existing facility (27G .0404(i))

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Staffing Rules

There are a variety of staffing rules. The provider is ultimately responsible for all actions of his/her staff.

- Core Staffing Rules Include, but are not limited to:
 - Staff definitions
 - educational requirements
 - training requirements
 - competency & supervision requirements
- Program Specific Staffing Rules Include, but are not limited to:
 - Staffing pattern requirements for the licensed service
- Fundamental Staff Member for all Licensed Programs
 - Qualified Professional

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Qualified Professionals

A Qualified Professional (QP) has a combination of education and experience working with a population.

- North Carolina Administrative Code (NCAC) 27G .0103⁽¹⁹⁾ defines the specific experience and educational requirements to be classified a qualified professional.
- NCAC 27G .0203 outlines the requirements for the competencies of qualified professionals.

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Hiring a Qualified Professional

When determining who to hire as a qualified professional, consider the following:

- The type of clients you will be serving
- The service you will be providing to the clients
- The experience of the qualified professional
 - type of clients he/she has worked with
 - type of service he/she has provided

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Qualified Professional's Responsibility

You should expect your qualified professional to:

- Present training for you and your staff
- Provide clinical oversight of your clients
- Provide supervision for you and your staff
- Participate in assessment and treatment planning for your clients

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LME/MCO

The Local Management Entity (LME)/ Managed Care Organization (MCO) is an important partner for providers of mental health services. The LME/MCO:

- Serves people in their geographic area who need mental health or substance abuse services.
- Contracts *only* with providers who have a mental health license (if the service requires licensure)
- Often a referral source for clients

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LME/MCO

The 1915 (b)/(c) Medicaid waiver and creation of the MCOs (NC Session law 2011-264) changed the way providers are paid for services. Some of the most significant changes for providers include:

- Providers will enroll and bill for Medicaid services with the LME/MCO, not the Division of Medical Assistance (DMA)
- The LME/MCO will authorize services for clients in their geographical region
- The LME/MCO will pay the provider for services for clients in their geographical region
- Providers may have to contract with multiple LME/MCOs in order to get paid for services

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LME/MCO

LME/MCO involvement is essential for residential facilities.

- All residential facilities must obtain a letter of support from the LME/MCO *prior* to submitting a initial licensure application to DHSR.
- A letter of support can only come from the LME/MCO serving the geographical area in which the home is to be located. It states there is a need for the residential service in the geographical area served by LME/MCO.
- A residential application brought to DHSR without a letter of support will not be processed and will be immediately returned to the applicant.

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LME/MCO Territories (as of 7/1/2016)

LME/MCO Directory



COMMUNITY-BASED ORGANIZATION	CAROLINA MEDICAL CENTER DISTRICTS
ALTA HEALTHCARE John Longmire, MD Phone: 704.272.2222 Fayetteville, Lenoir, Graham and Swain	ALTA HEALTHCARE DISTRICTS John Longmire, MD Phone: 704.272.2222 Asheboro, Columbus, Currituck, Chatham, Davidson, Forsyth, Guilford, Johnston, Jones, Wayne, Wake and Yadon
CHESAPEAKE REGIONAL SERVICES John Longmire, MD Phone: 704.272.2222 Blaine, Forsyth, Rockingham and Stokes	CHESAPEAKE REGIONAL SERVICES DISTRICTS John Longmire, MD Phone: 704.272.2222 Blaine, Forsyth, Rockingham, Edgecombe, Johnston, Jones, Wayne, Wake, Yadon, Graham, Swain and Stokes
DAVIDSON REGIONAL HEALTH CARE ADMINISTRATION John Longmire, MD Phone: 704.272.2222 Fayetteville, Lenoir, Graham and Swain	DAVIDSON REGIONAL HEALTH CARE ADMINISTRATION DISTRICTS John Longmire, MD Phone: 704.272.2222 Fayetteville, Lenoir, Graham, Swain, Wayne, Wake, Yadon, Graham, Swain, Jones, Wayne, Wake and Yadon
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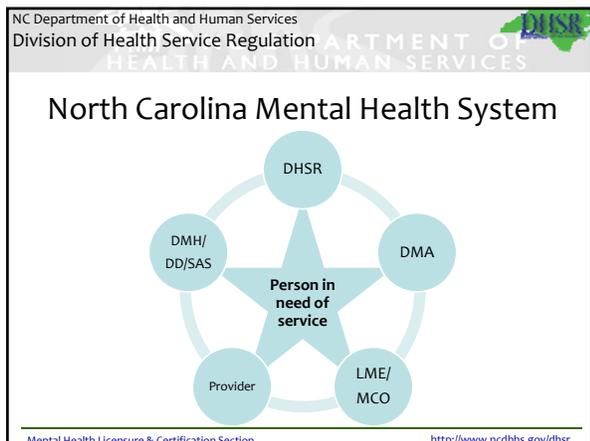
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LME/MCO

For more information regarding LME/MCOs and the 1915(b)(c) Medicaid waiver, visit the web pages below:

- Division of Mental Health/Developmental Disabilities/ Substance Abuse Services (DMH/DD/SAS)
 - <http://www.ncdhhs.gov/mhddsas/>
- DMH/DD/SAS LME/MCO Contact Information
 - <http://www.ncdhhs.gov/mhddsas/lmeonbluebyname.htm>
 - <http://www.ncdhhs.gov/mhddsas/lmeonblue.htm>
- DMH/DD/SAS 1915(b)(c)
 - <http://www.ncdhhs.gov/mhddsas/providers/1915bcWaiver/index.htm>

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Compliance vs. Non-compliance

- DHSR/MHL&C staff conduct annual surveys and complaint investigations to ensure facilities are in compliance with the licensure rules.
- Evidence of failure to meet the requirements outlined in rule are evaluated for scope and severity.
- Citations are issued as standard deficiencies or as violations.
- Survey results are documented in a statement of deficiencies which is sent to the licensed provider after a survey or investigation.

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G.S. 122C-24.1 – Penalties; Remedies

- “The Department of Health and Human Services shall impose an administrative penalty in accordance with provisions of this Article on any facility licensed under this Article which is found to be in violation of Article 2 or 3 of this Chapter or applicable State and federal laws and regulations...”
- Initial penalties range from \$500.00 – \$20,000.00
- Ongoing penalties range from \$200.00 - \$1,000.00 *per day*
- For more information about Penalties and GS 122C visit the following web page:
 - <http://www.ncleg.net/gascripts/Statutes/StatutesTOC.pl?Chapter=0122C>

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Violations

- **Type A1:** "... violation by a facility... which results in death or serious physical harm, abuse, neglect, or exploitation."
- **Type A2:** "... violation by a facility... which results in substantial risk that death or serious physical harm, abuse, neglect, or exploitation will occur."
- **Type B:** "... violation by a facility... which is detrimental to the health, safety or welfare of any client..."

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Initial Licensure Process

- Applicant completes the application
- If residential facility: applicant obtains letter of support from LME/MCO
- Applicant submits completed application package to DHSR Mental Health Licensure & Certification (MHLC) Section.
- If residential facility: MHLC Section forwards applications to Construction
- If residential facility: DHSR Construction Section conducts physical plant inspection

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Initial Licensure Process (continued)

- If residential facility: DHSR Construction Section forwards application to the Mental Health Licensure Section.
- DHSR Mental Health Licensure Consultant conducts in-office review of facility policies, procedures, training curriculums, personnel & client records
 - Client record is a "mock" record
- DHSR Mental Health Licensure Consultant conducts an on-site survey
- When it is determined the provider demonstrates competency and compliance with all licensure rules, a mental health license is issued.
 - Providers can only admit clients after the license has been issued.

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Licensure Applications

Incomplete applications will be immediately returned and will delay your licensure process. In order to be accepted, applications must be:

- Accurate
- Complete
- Accompanied by zoning and building inspections
- Accompanied by accurate licensure fees
- Signed

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You are Responsible

The initial licensure process typically takes approximately 2 – 3 months but could take significantly longer, depending on you. You are responsible for:

- Ensuring your policies & procedures are accurate
- Ensuring your client & staff records are accurate
- Ensuring your zoning & building inspections are accurate
- Ensuring your facility is clean, furnished and ready to accept clients
- Ensuring you demonstrate competency and compliance with all licensure rules

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Contact Information

Division of Health Service Regulation
 Mental Health Licensure & Certification Section
 2718 Mail Service Center
 Raleigh, NC 27699-2718

Initial Surveyors
 Natalie Haith-Edwards
 Arlean Brooks
 Joy Allison

<http://www.ncdhhs.gov/dhsr/mhics/mhstaff.html>

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**NC Division of Health Service Regulation
 Mental Health Licensure & Certification Section
 Licensure & Training Team Territories**

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Final Reminders

Holding a mental health license means:

- You are responsible for everything that happens in the facility
- Monetary penalties and sanctions can be assessed against you
- DHSR will inspect your facility, unannounced, at any time of day
- You can make a difference in the life of a person in need of services

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