



North Carolina Department of Health and Human Services
Division of Health Service Regulation

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Drexdal Pratt
Division Director

March 25, 2015

Dr. Courtney Cantrell, Director
Division of MH/DD/SAS
Mail Service Center 3001
Raleigh, NC 27699-3001

RE: Approval of request for waiver of 10A NCAC 27E .0107(b) for Licensed Professionals

Dear Dr. Cantrell:

Pursuant to your request contained in your letter dated March 19, 2015, I have determined that the request for waiver of 10A NCAC 27E .0107(b) for Licensed Professionals only, be approved under certain conditions.

Rule 10A NCAC 27E .0107(b) provides:

(b) Prior to providing services to people with disabilities, staff including service providers, employees, students or volunteers, shall demonstrate competence by successfully completing training in communication skills and other strategies for creating an environment in which the likelihood of imminent danger of abuse or injury to a person with disabilities or others or property damage is prevented.

Approval of the waiver will allow Licensed Professionals not to have to complete training in alternative interventions if they attest to competence in the areas outlined in 10A NCAC 27E .0107(g):

- (g) Staff shall demonstrate competence in the following core areas:
- (1) knowledge and understanding of the people being served;
 - (2) recognizing and interpreting human behavior;
 - (3) recognizing the effect of internal and external stressors that may affect people with disabilities;
 - (4) strategies for building positive relationships with persons with disabilities;
 - (5) recognizing cultural, environmental and organizational factors that may affect people with disabilities;
 - (6) recognizing the importance of and assisting in the person's involvement in making decisions about their life;



Office of the Director

<http://www.ncdhhs.gov/dhsr/>

Phone: 919-855-3750 / Fax: 919-733-2757

Location: 809 Ruggles Drive v Dorothea Dix Hospital Campus v Raleigh, N.C. 27603

Mailing Address: 2701 Mail Service Center • Raleigh, North Carolina 27699-2701

An Equal Opportunity / Affirmative Action Employer



- (7) skills in assessing individual risk for escalating behavior;
- (8) communication strategies for defusing and de-escalating potentially dangerous behavior; and
- (9) positive behavioral supports (providing means for people with disabilities to choose activities which directly oppose or replace behaviors which are unsafe).

Approval of this request is based on the following representations:

- Licensed professionals generally have extensive training and experience in the competencies listed in 10A NCAC 27E .0107(g).
- Many licensed professionals are required by their boards to take continuing education to maintain their license.
- It is time consuming and redundant to require training from experienced professionals in topics they have already taken.
- There is no indication that allowing this waiver will negatively affect the health, safety, and welfare of consumer.

This waiver will not require annual renewal and shall remain in effect until rescinded or the North Carolina Administrative Code is revised.

Sincerely,



Drexal Pratt, Director

DP:CO:peb

Enclosure

cc: Dave Richard, Deputy Secretary of Behavioral Health and Developmental Disabilities Services
Cheryl Ouimet, Chief Operating Officer, DHSR
Dr. Patsy Christian, Assistant Director, Healthcare Quality and Safety
Stephanie Gilliam, Chief, Mental Health Licensure and Certification Section
Steven Lewis, Chief, Construction Section
Anthony Brinson, Construction Section