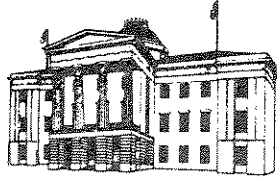


# State of North Carolina



MICHAEL F. EASLEY  
GOVERNOR

## EXECUTIVE ORDER NO. 101

### TO ESTABLISH THE RESIDENTIAL TREATMENT FOR CHILDREN AND ADOLESCENTS RULES EFFECTIVE DATE

**WHEREAS**, North Carolina is committed to providing a safe environment for children and adolescents in mental health residential treatment facilities (“group homes”); and

**WHEREAS**, the North Carolina Department of Health and Human Services (DHHS) launched an intensive inspection sweep, including the creation of a 50-person team, to make unannounced inspections of all the group homes across the state in January 2005; and

**WHEREAS**, North Carolina suspended licensing of any additional group homes until the Mental Health Commission acted on new Residential Treatment for Children and Adolescent rules proposed by DHHS; and

**WHEREAS**, on January 18, 2006, the Mental Health Commission adopted Residential Treatment for Children and Adolescents rules at 10A NCAC 27G .1301 and 10A NCAC 27G .1700, specifically .1701-.1708, and on February 16, 2006, the permanent rules were approved by the Rules Review Commission; and

**WHEREAS**, the rules serve to fill a gap in the staffing and training requirements for residential treatment facilities for children and adolescents; and

**WHEREAS**, without the rules, there would be no consistent requirements for training residential treatment staff in the proper care of children and adolescents, further endangering the health and safety of those children in group homes; and

**WHEREAS**, the effective date of the permanent rule under the Administrative Procedures Act, N.C.G.S. §150B-1 et seq., would be July 1, 2006, at the earliest; and

**WHEREAS**, the Administrative Procedures Act authorizes the Governor, by Executive Order, to make effective a permanent rule upon finding that it is necessary to protect public health, safety, and welfare.

**NOW, THEREFORE**, by the power vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1. Findings.**

It is necessary that the permanent rules regarding residential treatment for children and adolescents, 10A NCAC 27G .1301 and 10A NCAC 27G .1700, specifically .1701-.1708, become effective no later than April 3, 2006, in order to provide for the protection of the public health, safety, or welfare.

**Section 2. Effective Date of the Rule.**


The permanent rule regarding residential treatment for children and adolescents, 10A NCAC 27G .1301 and 10A NCAC 27G .1700, specifically .1701-.1708, is hereby made effective April 3, 2006, pursuant to the Executive Order Exception authority contained in the Administrative Procedures Act, N.C.G.S. §150B-21.3(c).

**Section 3. Effective Date**


This Executive Order becomes effective April 3, 2006, and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twenty-seventh day of March in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred and thirtieth.



  
Michael F. Easley  
Governor

ATTEST:

  
Elaine F. Marshall  
Secretary of State