

## Rule Interpretation Concerning 10A NCAC 27G .0202(h)

### PERSONNEL REQUIREMENTS

Rule Citation: 10A NCAC 27G .0202(h)

Paragraph (h) is stated as follows: Except as permitted under 10A NCAC 27G .5602(b) of this Subchapter, at least one staff member shall be available in the facility at all times when a client is present. That staff member shall be trained in basic first aid including seizure management, currently trained to provide cardiopulmonary resuscitation and trained in the Heimlich maneuver or other first aid techniques such as those provided by Red Cross, the American Heart Association or their equivalence for relieving airway obstruction.

Question:

Is the statement contained in Paragraph (h) of this Rule requiring a staff member trained in basic first aid including seizure management, currently trained to provide cardiopulmonary resuscitation and trained in the Heimlich maneuver or other first aid techniques such as those provided by Red Cross, the American Heart Association or their equivalence for relieving airway obstruction applicable to situations in which an individual is providing a service in a non-licensed setting?

Answer:

No, 10A NCAC 27G .0202 is one of the general rules governing community mh/dd/sa services. This includes facilities and agencies providing services and area authorities/county programs administering services within the scope of G.S.122C.

It does not appear that .0202(h) is intended to apply to an individual. The rule actually says, "at least one staff member shall be available **in the facility** at all times when a client is present." This implies that the rule is referring to a structure and not an individual. [Also note that the exception stated in that Paragraph (27G .5602(b)) applies to a residential setting.] If the rule was meant to apply the 122C-3 definition of "facility" (any person at one location providing services) in this context, the rule would have said, "at least one staff member shall be available at all times when a client is present." The rule would not need to say, "in the facility" if the staff member is the facility.