

1 10A NCAC 13G .1102 is proposed for readoption with substantive changes as follows:

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3 **10A NCAC 13G .1102 ~~LEGAL AUTHORIZED REPRESENTATIVE OR PAYEE~~**

4 (a) In situations where a resident of a family care home is unable to manage ~~his funds,~~ their monetary funds the
 5 administrator shall contact a family member or the county department of social services regarding the need for a ~~legal~~
 6 ~~representative or payee.~~ authorized representative. For the purposes of this Rule, an “authorized representative” shall
 7 mean a person who is legally authorized or designated in writing by the resident to act on his or her behalf in the
 8 management of their funds. The administrator and other staff of the ~~home facility~~ shall not serve as a resident's ~~legal~~
 9 ~~authorized~~ representative, payee, or executor of a will, except as indicated in Paragraph (b) of this Rule.

10 (b) In the case of funds administered by the Social Security Administration, the Veteran's Administration or other
 11 federal government agencies, the administrator of the ~~home facility~~ may serve as a payee when so authorized as a
 12 legally constituted authority by the respective federal agencies.

13 (c) The administrator shall give the resident's ~~legal authorized~~ representative ~~or payee~~ receipts for any monies received
 14 on behalf of the resident.

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16 *History Note: Authority G.S. 35A-1203; 108A-37; 131D-2.16; 143B-165;*

17 *Eff. January 1, 1977;*

18 *Readopted Eff. October 31, 1977;*

19 *Amended Eff. July 1, 2005; April 1, ~~1984.~~ 1984.*

20 *Effective January 1, 2024.*