

1 10A NCAC 13G .1106 is proposed for readoption without substantive changes as follows:

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3 **10A NCAC 13G .1106 SETTLEMENT OF COST OF CARE**

4 (a) If a resident of a family care home, after being notified by the ~~home~~ facility of its intent to discharge the resident  
5 in accordance with Rule .0705 of this Subchapter, ~~moves out of the home before the period of time specified in the~~  
6 ~~notice has elapsed~~, the ~~home~~ facility shall refund the resident an amount equal to the cost of care for the remainder of  
7 the month minus any nights spent in the ~~home~~ facility during the notice period. The refund shall be made within 14  
8 days after the resident leaves the ~~home~~ facility. For the purposes of this Rule, "cost of care" means any monies paid  
9 by the resident or the resident's legal representative in advance for room and board and services provided by facility  
10 as agreed upon in the resident's contract.

11 (b) If a resident moves out of the ~~home~~ facility without giving notice, as may be required by the ~~home~~ facility  
12 according to Rule ~~.0705(h)~~ .0705(i) of this Subchapter, or before the ~~home's~~ facility's required notice period has  
13 elapsed, the resident owes the ~~home~~ facility an amount equal to the cost of care for the required notice period. If a  
14 resident receiving State-County Special Assistance moves without giving notice or before the notice period has  
15 elapsed, the former ~~home~~ facility is entitled to the required payment for the notice period before the new ~~home~~ facility  
16 receives any payment. The ~~home~~ facility shall refund the resident the remainder of any advance payment following  
17 settlement of the cost of care. The refund shall be made within 14 days from the date of notice or, if no notice is given,  
18 within 14 days of the resident leaving the ~~home~~ facility.

19 (c) When there is an exception to the notice as provided in Rule ~~.0705(h)~~ .0705(i) of this Subchapter to protect the  
20 health or safety of the resident or others in the ~~home~~ facility, or when there is a sudden, unexpected closure of the  
21 ~~facility that requires the resident to relocate~~, the resident is only required to pay for any nights spent in the ~~home~~ facility.  
22 A refund shall be made to the resident by the ~~home~~ facility within 14 days from the date of notice.

23 (d) When a resident gives notice of leaving the ~~home~~ facility, as may be required by the ~~home~~ facility according to  
24 Rule ~~.0705(h)~~ .0705(i) of this Subchapter, and leaves at the end of the notice period, the ~~home~~ facility shall refund the  
25 resident the remainder of any advance payment within 14 days from the date of notice. If notice is not required by the  
26 ~~home~~ facility, the refund shall be made within 14 days after the resident leaves the ~~home~~ facility.

27 (e) When a resident leaves the ~~home~~ facility with the intent of returning to it, the following apply:

- 28 (1) The ~~home~~ facility may reserve the resident's bed for a set number of days with the written agreement  
29 of the ~~home~~ facility and the resident or his or her responsible person and thereby require payment  
30 for the days the bed is held.
- 31 (2) If, after leaving the ~~home~~ facility, the resident decides not to return to it, the resident or someone  
32 acting on his or her behalf may be required by the ~~home~~ facility to provide up to a 14-day written  
33 notice that he or she is not returning.
- 34 (3) Requirement of a notice, if it is to be applied by the ~~home~~ facility, shall be a part of the written  
35 agreement and explained by the ~~home~~ facility to the resident and his or her family or responsible  
36 person before signing.

- 1           (4)     On notice by the resident or someone acting on his or her behalf that he or she will not be returning  
2 to the ~~home, facility~~, the ~~home~~ facility shall refund the remainder of any advance payment to the  
3 resident or his or her responsible person, minus an amount equal to the cost of care for the period  
4 covered by the agreement. The refund shall be made within 14 days after notification that the  
5 resident will not be returning to the ~~home.~~ facility.
- 6           (5)     In no situation involving a recipient of State-County Special Assistance may a ~~home~~ facility require  
7 payment for more than 30 days since State-County Special Assistance is not authorized unless the  
8 resident is actually residing in the ~~home~~ facility or it is anticipated that he or she will return to the  
9 ~~home~~ facility within 30 days.
- 10          (6)     Exceptions to the ~~two-weeks'~~ 14-day notice, if required by the ~~home,~~ facility, are cases where  
11 returning to the ~~home~~ facility would jeopardize the health or safety of the resident or others in the  
12 ~~home~~ facility as certified by the resident's physician or approved by the county department of social  
13 services, and in the case of the resident's death. In these cases, the ~~home~~ facility shall refund the  
14 rest of any advance payment calculated beginning with the day the ~~home~~ facility is notified.
- 15 (f) If a resident dies, the administrator of his or her estate or the Clerk of Superior Court, when no administrator for  
16 his or her estate has been appointed, shall be given a refund equal to the cost of care for the month minus any nights  
17 spent in the ~~home-facility~~ during the month. This is to be done within 30 days after the resident's death.

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19 *History Note:*     *Authority G.S. 131D-2.16; 131D-4.5; 143B-165;*  
20                     *Eff. January 1, 1977;*  
21                     *Readopted Eff. October 31, 1977;*  
22                     *Amended Eff. July 1, 1990; June 1, 1987; April 1, 1984;*  
23                     *Temporary Amendment Eff. January 1, 2001;*  
24                     *Temporary Amendment Expired October 13, 2001;*  
25                     *Amended Eff. July 1, ~~2005-2005~~;*  
26                     *Readopted Eff. January 1, 2024.*