

1 10A NCAC 13F .1106 is proposed for re adoption without substantive changes as follows:

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

4 (a) If a resident of an adult care home, after being notified by the facility of its intent to discharge the resident in  
5 accordance with Rule .0702 of this Subchapter, ~~moves out of the facility before the period of time specified in the~~  
6 ~~notice has elapsed~~, the facility shall refund the resident an amount equal to the cost of care for the remainder of the  
7 month minus any nights spent in the facility during the notice period. The refund shall be made within 14 days after  
8 the resident leaves the facility. For the purposes of this Rule, "cost of care" means any monies paid by the resident or  
9 the resident's legal representative in advance for room and board and services provided by the facility as agreed upon  
10 in the resident's contract.

11 (b) If a resident moves out of the facility without giving notice, as may be required by the facility according to Rule  
12 ~~.0702(h)~~ .0702(i) of this Subchapter, or before the facility's required notice period has elapsed, the resident owes the  
13 facility an amount equal to the cost of care for the required notice period. If a resident receiving State-County Special  
14 Assistance moves before the facility's required notice period has elapsed, the former facility is entitled to the required  
15 payment for the notice period before the new facility receives any payment. The facility shall refund the resident the  
16 remainder of any advance payment following settlement of the cost of care. The refund shall be made within 14 days  
17 from the date of notice or, if no notice is given, within 14 days after the resident leaves the facility.

18 (c) When there is an exception to the notice, as provided in Rule ~~.0702(h)~~ .0702(i) of this Subchapter, to protect the  
19 health or safety of the resident or others in the facility, or when there is a sudden, unexpected closure of the facility  
20 that requires the resident to relocate, the resident is only required to pay for any nights spent in the facility. A refund  
21 shall be made to the resident by the facility within 14 days from the date of notice.

22 (d) When a resident gives notice of leaving the facility, as may be required by the facility according to Rule ~~.0702(h)~~  
23 .0702(i) of this Subchapter, and leaves at the end of the notice period, the facility shall refund the resident the  
24 remainder of any advance payment within 14 days from the date of notice. If notice is not required by the facility, the  
25 refund shall be made within 14 days after the resident leaves the facility.

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

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

1 responsible person, minus an amount equal to the cost of care for the period covered by the  
2 agreement. The refund shall be made within 14 days after notification that the resident will not be  
3 returning to the facility.

4 (5) In no situation involving a recipient of State-County Special Assistance may a facility require  
5 payment for more than 30 days since State-County Special Assistance is not authorized unless the  
6 resident is actually residing in the facility or it is anticipated that he or she will return to the facility  
7 within 30 days.

8 (6) Exceptions to the ~~two-weeks'~~ 14-day notice, if required by the facility, are cases where returning to  
9 the facility would jeopardize the health or safety of the resident or others in the facility as certified  
10 by the resident's physician or approved by the county department of social services, and in the case  
11 of the resident's death. In these cases, the facility shall refund the rest of any advance payment  
12 calculated beginning with the day the facility is notified.

13 (f) If a resident dies, the administrator of his estate or the Clerk of Superior Court, when no administrator for his or  
14 her estate has been appointed, shall be given a refund equal to the cost of care for the month minus any nights spent  
15 in the facility during the month. This is to be done within 30 days after the resident's death.

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17 *History Note:* Authority G.S. 131D-2.16; 131D-4.5; 143B-165;

18 *Eff. July 1, ~~2005~~ 2005;*

19 *Readopted Eff. January 1, 2024.*