

SUBCHAPTER 01C - PROPERTY

SECTION .0100 – REAL PROPERTY

- 10A NCAC 01C .0101 RENT**
- 10A NCAC 01C .0102 UTILITIES**
- 10A NCAC 01C .0103 SERVICES NOT PROVIDED**

History Note: Authority G.S. 143B-10; 143B-29.1;
Eff. February 1, 1976;
Amended Eff. January 1, 1986; July 1, 1985;
Expired Eff. May 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0200 - REIMBURSEMENT

10A NCAC 01C .0201 ADMISSIONS

- (a) Priority for admission to facilities under the Department of Human Resources will be given to the indigent where documentary evidence is furnished to prove such indigency.
- (b) Other North Carolina residents who otherwise qualify and who are willing and able to pay will be admitted for treatment.
- (c) Parents or adoptive parents having patients under civilian health and medical program of the uniformed services will be considered as North Carolina residents.
- (d) With the exception of emergencies, priority of admission for treatment to alcoholic rehabilitation centers will be given to first and second admission patients, unless all previous obligations have been met or satisfactory arrangements made.

History Note: Authority G.S. 143B-10;
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.

10A NCAC 01C .0202 COST AND CHARGES

- (a) Payment will be required in full from all patients who are able to pay and from others on an ability to pay basis by guidelines established by the Secretary of Human Resources.
- (b) Charges may be set on an overall per diem basis in a single treatment facility or, in cases where facilities have different treatment programs, a charge may be set for each separate program.
- (c) Charges for each treatment facility shall be set on the basis of allowable cost.
- (d) Charges may be raised or lowered as cost would indicate on a quarterly basis.
- (e) The above charge determination will be used until such time as the Department of Human Resources establishes rate schedules based on the actual treatment received by the individual to be determined by cost accounting.
- (f) Charges for respite care of inpatient children shall be no more than the cost of keeping a normal child at home on an ability to pay basis. Various sources such as the United States Department of Agriculture and Department of Labor are used in determining this cost.
- (g) Charges for day care where no medical treatment is involved shall be handled as respite care.
- (h) Charges for day hospital care shall be based on cost.
- (i) Parents who reside out of state and have a child receiving treatment at a North Carolina facility shall be charged the full cost of treatment and such charges will continue when the patient attains age 18.

History Note: Authority G.S. 143-118; 143B-10;
Eff. February 1, 1976;
Amended Eff. November 1, 1989; January 1, 1977;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.

10A NCAC 01C .0203 ADMISSION INTERVIEW

- (a) There shall be an interview with the patient or person responsible for the patient during which financial data concerning income, assets, liabilities as well as total family situation shall be gathered.

- (b) Information shall be gathered by an interviewer in the reimbursement office, in private.
- (c) The interview will be accomplished as soon as possible after admission, although a definite rate may not be determined for several days.

History Note: Authority G.S. 143-118(a); 143-119(b); 143-119(c);
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.

10A NCAC 01C .0204 DETERMINING ABILITY TO PAY

- (a) Ability to pay will be determined by the interviewer who uses guidelines developed by the Secretary of the Department of Human Resources.
- (b) Guidelines should be as guides and not firm policy.
- (c) Many cases reveal that there are hardship or extraneous conditions not covered by the guidelines. There are also cases where there are considerable non-income producing real property or low-income producing personal assets.
- (d) Guidelines should be reviewed periodically.
- (e) Guidelines and policies are developed for each type of institution and guidelines take into consideration income, assets both real and personal, the number and ages of dependents, whether or not the dependents are attending college, and financial obligations. Also much consideration is given to the length of stay in the institution.

History Note: Authority G.S. 143-118(d);
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.

10A NCAC 01C .0205 COMPROMISE OF ACCOUNTS

- (a) Accounts may be compromised where there is an outstanding balance and the responsible party does not have the ability to pay the account or where the ability to pay is insufficient to cover the full charge.
- (b) Institutional directors are authorized upon request from a payor to compromise past due accounts in an amount under ten thousand dollars (\$10,000).
- (c) When an institution has received a request for a compromise of a past due account for an amount of ten thousand dollars (\$10,000) or more the institution will gather all pertinent information and submit it to the appropriate board or commission through the Division Director.
- (d) If a payor is dissatisfied with the decision of the Board or Commission he may request a review by the Secretary of the Department of Human Resources through the Controller of the Department of Human Resources. If satisfaction is not reached at this point, the Attorney General may be requested to review and bring action either in the Superior Court of Wake County or in the county where the institution is located.

History Note: Authority G.S. 143-118; 143B-10;
Eff. February 1, 1976;
Amended Eff. November 1, 1989; July 1, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.

10A NCAC 01C .0206 LEGAL QUESTIONS

History Note: Authority G.S. 143-118; 143B-10;
Eff. February 1, 1976;
Amended Eff. July 1, 1985; July 1, 1980;
Expired Eff. May 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0300 – REPAIR/REPLACEMENT OF PERSONAL PROPERTY

10A NCAC 01C .0301 DEFINITIONS

As contained in this Section, the following terms have the following meanings:

- (1) "Client" means any person who is under the supervision of a Department of Human Resources facility for purposes of treatment, habilitation or education;
- (2) "Employee" means an individual hired on a temporary part-time, or full-time basis by the Department of Human Resources facility;
- (3) "Facility" means a hospital, center, institution or school operated by the Department of Human Resources; and
- (4) "Volunteer" means an individual certified or accepted by the facility to perform assigned duties for the facility without remuneration for time spent in the performance of these duties.

History Note: Authority G.S. 143-127.2;
 Eff. June 1, 1987;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.

10A NCAC 01C .0302 CRITERIA FOR DETERMINING REIMBURSEMENT ELIGIBILITY

Prior to issuing reimbursements to facility employees, volunteers, or clients for personal property damaged or stolen by facility clients, the facility director or designee must prepare a written report, including the following information:

- (1) facts supporting a conclusion that the client, employee or volunteer is eligible to seek reimbursement under the requirements of G.S. 143-127.2;
 - (a) for employees and volunteers, this includes written findings that the damage or theft occurred within the scope of their employment or volunteer duties and that the item(s) damaged or stolen was necessary to the performance of those assigned duties;
 - (b) for clients, this includes written findings that the item(s) was damaged or stolen while the client was under the supervision of the facility and that the item(s) was a necessary part of the treatment, habilitation, or education environment as determined by personnel responsible for treatment, habilitation, or education decisions concerning the client.
- (2) facts supporting a conclusion that the employee, volunteer or client is eligible for reimbursement under G.S. 143-127.3;
- (3) facts supporting a conclusion that the requirements of G.S. 143-127.4 have been met. In documenting compliance with this provision, the facility shall specify the efforts made to recover the reimbursement cost from insurance, the client or other sources as applicable; and
- (4) a description of the item damaged or stolen and evidence as to its repair/replacement value less normal depreciation.

History Note: Authority G.S. 143-127.2; 143-127.3; 143-127.4;
 Eff. June 1, 1987;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.

10A NCAC 01C .0303 LIMITATION ON REIMBURSEMENT

Reimbursement may not exceed two hundred dollars (\$200.00) per incident. In applying the reimbursement limitations set out in G.S. 143-127.5, the five hundred dollars (\$500.00) per year limitation shall apply to volunteers and clients as well as employees and shall be calculated using the state fiscal year.

History Note: Authority G.S. 143-127.2; 143-127.5;
 Eff. August 1, 1987;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.

10A NCAC 01C .0304 PROCEDURE FOR REQUESTING REIMBURSEMENT

The division/facility director shall determine the procedure for seeking reimbursement subject to the following limitations:

- (1) a written account of the incident which resulted in the request shall be prepared by the employee, volunteer, or client (or client representative) and presented to the facility director or designee within 48 hours of the time that the employee, volunteer, or client becomes aware of the incident.

If a client requests assistance from facility staff in preparing this account, the assistance shall be provided to the client;

(2) the written account must include:

- (a) a brief description of the incident including date, time, place and individuals involved; and
- (b) a description of the item(s) for which reimbursement is sought, including cost, age, and in the case of damaged property, a description of the damage. Damaged articles must be made available for inspection by facility personnel at the request of the facility.

History Note: Authority G.S. 143-127.2;
Eff. June 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.

10A NCAC 01C .0305 RESPONSE TO REQUEST AND APPEAL RIGHTS

- (a) Within 30 days of receipt of a completed request for reimbursement, the facility director or designee shall respond to the request for reimbursement.
- (b) If no response is received or if a negative response is received, the employee, volunteer, or client may file a request for reconsideration with the division director or designee. The facility director shall forward all pertinent information to the division director or designee for review within ten days of receipt of a request for that information.
- (c) Within 15 days of receipt of the request for reconsideration, the division director or designee shall issue a response to the request. If no response or a negative response is received, the employee, volunteer, or client may then request a contested case hearing in accordance with G.S. 150B-23 by submitting a petition for hearing to the Office of Administrative Hearings. The final administrative decision shall be issued by the Director, Division of Budget and Analysis or designee. Nothing in this Section shall be construed as superseding the requirements of G.S. 143-127.5 that payment of any claim for reimbursement shall be subject to the identification of funds by the facility to cover the cost of reimbursement.

History Note: Authority G.S. 143-127.2; 143-127.5; 143-127.6; 150B-23;
Eff. June 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.

10A NCAC 01C .0306 NOTICE

Clients shall be made aware of the potential liability under G.S. 143, Article 7A.

History Note: Authority G.S. 143-127.2;
Eff. June 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.