

SUBCHAPTER 05I – CONSUMER CONTRIBUTIONS

SECTION .0100 – PURPOSE AND DEFINITIONS

10A NCAC 05I .0101 PURPOSE AND DEFINITIONS

(a) As used in this Subchapter, the following definitions shall apply:

- (1) Consumer Contributions – a monetary amount voluntarily given to the service provider by the service recipient or the designated representative toward the cost of the service received.
- (2) Recommended Contribution Schedule – a listing of income ranges and corresponding recommended contribution percentages for use with clients at or above the federal poverty level. The Recommended Contribution Schedule is available at <http://www.dhhs.state.nc.us/aging/arms/csupdat2.htm> and is determined as follows:

Percent of Poverty	Suggested Percentage of the Cost of Service
100%	10%
125%	20%
150%	30%
175%	40%
200%	50%
225%	60%
250%	70%
275%	80%
300%	90%
350%	100%

(b) The purpose of consumer contributions is to extend the availability of services which are subject to consumer contributions administered by the Division of Aging and Adult Service by providing the opportunity for each service recipient to voluntarily contribute toward the cost of the service(s) received. The service provider shall retain the revenue collected from clients.

History Note: Authority G.S. 143B-181.1 (a) (10); 143B-181.1 (c); 42 U.S.C. 3001; 45 C.F.R. 1321.67; Eff. July 1, 1992; Amended Eff. September 1, 2005; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.

SECTION .0200 – REQUIREMENTS

10A NCAC 05I .0201 SERVICES SUBJECT TO CONSUMER CONTRIBUTIONS

(a) Consumer contributions may be accepted for all services administered by the Division of Aging and Adult Services.

(b) The use of a Recommended Contribution Schedule is prohibited for individuals receiving:

- (1) Information and Assistance, Outreach, Benefits Counseling, Case Management Services;
- (2) Congregate Nutrition and Home Delivered Meals, Senior Companion;
- (3) Ombudsman, Elder Abuse Prevention, Legal Assistance or other consumer protection services or
- (4) Any services delivered through tribal organizations.

(c) When any of the services specified in Paragraph (a) of this Rule are provided to adults or children as part of a Protective Services Plan, these individuals shall be excluded from consumer contributions, from the beginning of the provision of services until protective services are no longer needed or for 12 months, whichever comes first. Consumer contributions shall not apply to children in foster care, children who have been approved to receive adoption assistance, persons receiving Work First assistance, or federally administered Supplemental Security Income (SSI) applicants or recipients.

History Note: Authority G.S. 143B-181.1 (a) (10); 143B-181.1 (c); 42 U.S.C. 3001; 45 C.F.R. 1321.67; Older Americans Act, Section 315(a)(3) (as amended, 2000); Eff. July 1, 1992; Amended Eff. September 1, 2005;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.

10A NCAC 05I .0202 INITIAL AND ANNUAL REVIEWS

(a) Upon initiation of the provision of the service(s) subject to consumer contributions and at least annually thereafter, the service providing agency shall review with each client determined eligible to receive services subject to consumer contributions the following information:

- (1) that the contribution is entirely voluntary and that there is no obligation to contribute;
- (2) that all contributions collected shall be used to expand the service(s);
- (3) that information about the client's participation in consumer contributions shall be confidential;
- (4) who should be contacted, including the telephone number, if the client has questions regarding consumer contributions;
- (5) the total cost of the service (actual or per unit); and
- (6) that services shall not be reduced or terminated for failure to contribute.

(b) The agency shall provide a copy of the Recommended Contribution Schedule from the North Carolina Division of Aging and Adult Services to a client whose income is above the Federal poverty level. The agency shall not provide the Recommended Contribution Schedule to clients whose incomes are at or below the Federal poverty level.

(c) The agency shall document in the client's file that the above information has been shared with the client or the designated representative.

History Note: Authority G.S. 143B-181.1 (a) (10); 143B-181.1 (c); 42 U.S.C. 3001; 45 C.F.R. 1321.67; Eff. July 1, 1992; Amended Eff. September 1, 2005; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.

10A NCAC 05I .0203 COLLECTION OF CONSUMER CONTRIBUTION REVENUE

Service providers shall have written procedures to collect, account for, and safeguard all contributions.

History Note: Authority G.S. 143B-181.1 (a) (10); 143B-181.1 (c); 42 U.S.C. 3001; 45 C.F.R. 1321.67; Eff. July 1, 1992; Amended Eff. September 1, 2005; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.

10A NCAC 05I .0204 TERMINATION

Service(s) to a client shall not be terminated or reduced for failure to contribute to the cost of the service(s) rendered.

History Note: Authority G.S. 143B-181.1 (a) (10); 143B-181.1 (c); 42 U.S.C. 3001; 45 C.F.R. 1321.67; Eff. July 1, 1992; Amended Eff. September 1, 2005; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.

10A NCAC 05I .0205 DEDUCTING CONSUMER CONTRIBUTION REVENUES FROM MONTHLY SERVICE REIMBURSEMENT

The North Carolina Division of Aging and Adult Services shall deduct the amount of Consumer Contribution revenues reported from the amount of monthly reimbursement due to each service provider for each service subject to consumer contributions as specified in Rule .0201 of this Section.

History Note: Authority G.S. 143B-181.1 (a) (10); 143B-181.1 (c); 42 U.S.C. 3001; 45 C.F.R. 92.25; Eff. July 1, 1992; Amended Eff. September 1, 2005; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.