

10A NCAC 27H .0605 BUDGETARY RESPONSIBILITIES

(a) The area authority shall be responsible for coordinating the provision or arrangement of an alternative residential placement for a continuity of care client. Its budgetary responsibilities shall be as follows:

- (1) Prior to the adoption of the area program's annual plan and budget, the area authority shall assess if any proposed budget action will potentially result in discontinuation of an area operated or contracted residential placement for a mentally retarded person.
- (2) When the proposed area annual plan and budget, other budgetary actions of the area authority, or circumstances not within the control of an area authority actually or potentially result in the discontinuation of a residential placement for a person with mental retardation, the area authority shall ascertain its ability to provide financial resources to maintain the operation of the original facility or to effect an alternative residential placement for the continuity of care client. If such financial resources are available, the area authority shall allocate such financial resources in accordance with its existing policies and practices.
- (3) When the area authority ascertains that it does not have financial resources within its budgetary control to maintain the operation of the original facility or to effect an alternative residential placement, the area authority shall request financial assistance for such purposes from the Division. The request shall identify alternative placements that have been attempted, indicate that financial resources for the support of the residential placement are not available within the area authority's budget, and specify the amount of financial assistance requested.

(b) The Division shall be responsible for financial assistance to the area authority in assuring continuity of care for a person with mental retardation. Its budgetary responsibilities shall be as follows:

- (1) During its review and approval of the area authority's proposed annual plan and budget, the Division shall assess if any proposed budget action will result in discontinuation of an area operated or contracted residential placement for a mentally retarded person. If such action is potentially a result, the Division shall request from the area authority its plan for assurance of continuity of care. Based on such information, if the Division approves the area plan and budget and concurs that funds are not available within the budgetary resources of the area authority for the continuation of the residential placement or for provision of an alternative placement, the Division shall assume responsibility for the provision of an alternative placement or the provision of the funding necessary for the area authority to provide or secure an alternative placement, as delineated in (b)(4) of this Rule.
- (2) In its allocation of state funds to the area authority, the Division shall assure that any allocation, including reallocation, discontinuation or reduction of funds within its control, does not result in the discontinuation of a residential placement for a continuity of care client, unless an alternative residential placement for the client has been secured.
- (3) When budgetary actions of the area authority which are approved by the Division, or circumstances not within the control of an area authority result in the discontinuation of a residential placement for a continuity of care client, the Division, upon verification by division staff that the area authority does not have budgetary resources to effect continuity of care, shall assume responsibility for the provision of an alternative placement or the provision of the funding assistance necessary for the area authority to provide or secure an alternative placement.
- (4) The responsibility of the Division in providing financial assistance to the area authority for assurance of continuity of care shall be limited to allocation and reallocation of available funds within the Division's control, requests to the Office of State Budget and Management for reallocation of available state funds, and requests for the funds in its expansion budget request to the Department of Health and Human Services.

History Note: Authority G.S. 122C-54; 122C-132; 122C-143; 122C-147; 122C-207;
Eff. October 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.