

10A NCAC 28I .0202 DEFINITIONS

As used in this Section the following terms shall have the meanings specified:

- (1) "Adult protective services" means services provided by the State or other government or private organizations or individuals which are necessary to protect the disabled adult from abuse, neglect, or exploitation. They shall consist of evaluation of the need for service and mobilization of essential services on behalf of the disabled adult as outlined in G.S. 108A-99 through 108A-111.
- (2) "Disabled adult" means an adult resident of a regional psychiatric hospital, regional mental retardation center, or North Carolina Special Care Center of the Division who needs medical or surgical treatment and is mentally incompetent to give his consent to that treatment and has no legal guardian or guardian as defined in G.S. 122C-3.
- (3) "Emergency" [as defined in G.S. 108A-101(g)] refers to a situation where:
 - (a) the disabled adult is in substantial danger of death or irreparable harm if protective services are not provided immediately;
 - (b) the disabled adult is unable to consent to services;
 - (c) no responsible, able or willing caretaker is available to consent to emergency services; and
 - (d) there is insufficient time to utilize procedure provided in G.S. 108A-105.
- (4) "Legal guardian" means a "guardian of the person" as defined in G.S. 35A-1202 and appointed pursuant to G.S. Chapter 35A.
- (5) "Institution" means either a regional psychiatric hospital, regional mental retardation center or North Carolina Special Care Center of the Division.
- (6) "Request form" means the "Request for Initiation of Adult Protective Services" form which is a standard form to be obtained from the Division.
- (7) "Emergency request" means a request that is made because of the following conditions:
 - (a) a disabled adult is in need of protective services and is incompetent to consent to them;
 - (b) an emergency exists within the context of G.S. 108A-106; and
 - (c) no other person authorized by law or order to give consent for the person is available and willing to arrange for emergency services.

History Note: Authority G.S. 108A-99; 122C-57; 122C-61; 143B-147;
Eff. October 8, 1980;
Amended Eff. August 1, 1990; April 1, 1990; July 1, 1983;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 24, 2019.