

## **10A NCAC 71J .0106    OPTIONAL RESOURCES**

Optional resources as defined in 10A NCAC 71R .0900 may be used to support a service plan developed for individuals who are aging, disabled or handicapped. For purposes of the optional resources, the following definitions and rules apply:

- (1) "Aging" means age 60 years or older.
- (2) "Disabled" means unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which can be improved, corrected or ameliorated but which can be expected to last, or which has lasted, for a continuous period of not less than 12 months.
- (3) "Handicapped" means impaired in mind or body with reasonable certainty that, because of the irremediable character of the impairment, the impairment cannot be improved, corrected or ameliorated and will continue at the same level of seriousness throughout the lifetime of the individual, and the individual must learn to function within the set parameters of the impairment.
- (4) Under these definitions a disability may be temporary in that, although it has existed or is expected to exist at least 12 months, there is the expectation that the impairment can be restored to some extent. Also, a disability may be total during the time that it does exist, i.e., the individual is unable to perform any substantial part of his ordinary activities. By contrast, a handicap is an impairment that is permanent and is not expected to be restored, but it may or may not be disabling to the individual in terms of his being able to perform his ordinary activities.
- (5) An individual may be handicapped in terms of having an irremediable impairment but may also be considered disabled for purposes of impairments that can be improved, corrected or ameliorated. The two conditions are not mutually exclusive.
- (6) "Own Home" means that the service recipient is living in a residence he maintains for himself or, with respect to an adult or child for whom a county department of social services or licensed child-placing agency has legal responsibility, a family care home for adults or a foster family home for children. "Own Home" does not include any group care beyond these particular family care arrangements, any institution as defined by law, a home for the aged (HA), skilled nursing facility (SNF) or an intermediate care facility (ICF).
- (7) "Homebound" means that the individual lacks the mental or physical capacity to leave his home without assistance.

*History Note: Authority G.S. 143B-153;  
Eff. July 1, 1984;  
Amended Eff. July 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.*