

10A NCAC 71P .0102 DEFINITIONS

For purposes of this Chapter are the following definitions:

- (1) "Adult Care Facility" for purposes of this Subchapter shall mean group residential care facilities for persons who cannot remain in their own homes and who reside in facilities licensed by the Department of Health and Human Services defined in the following statutes and rules:
 - (a) Adult Care Homes - G.S. 131D-2.1-10, 10A NCAC 13F .0200, and 10A NCAC 13G .0200;
 - (b) Facilities for persons with mental illness and developmental disabilities - G.S. 122C-21, 10A NCAC 27G .5601(c)(1) and (3);
 - (c) For persons aged less than 18 who are legally blind, facilities licensed pursuant to 10A NCAC 27G .2101.
 - (d) Combination Homes in Nursing Facilities - G.S. 131E-101(1) and (1a);
 - (e) Combination Facilities in Hospitals - 10A NCAC 13B .1902(6); and
 - (f) Hospice Residential Care Facilities - G.S. 131E-201(5a).
- (2) "Adult Care Facility Rate" shall mean the maximum monthly rate for residents in an Adult Care Facility as established by the General Assembly.
- (3) "Authorized Representative" shall mean a person who is legally authorized or designated in writing by the applicant or recipient to act on his or her behalf.
- (4) "Budget Unit" shall mean, for the purposes of the State/County Special Assistance for the Certain Disabled Program, a spouse or Essential Person who resides with the recipient and whose income, combined with the income of the recipient, is considered in determining the monthly payment.
- (5) "Case Manager" for the State/County Special Assistance In-Home Program shall mean the social work staff member of the County Department who conducts the functional assessment and determines the actual payment amount, pursuant to G.S. 108A-47.1 and to Rule .0306 of this Subchapter.
- (6) "Caseworker" shall mean the staff member of the County Department who evaluates the applicant's eligibility for State/County Special Assistance, processes the application, and reviews the case for continuing eligibility pursuant to the rules in this Subchapter.
- (7) "Change in Situation" shall mean the changes in an applicant's or recipient's circumstances as set forth in 20 C.F.R. 416.708 that could affect his or her eligibility or payment amount.
- (8) "Countable Monthly Income" shall mean the amount of monthly income after applying all allowable deductions pursuant to 20 C.F.R. 416.1102-1104.
- (9) "County Board" shall mean the county board of social services as set forth in G.S. 108A-1 and G.S. 108A-9.
- (10) "County Department" shall mean the county department of social services as set forth in G.S. 108A-12, G.S. 108A-14(a)(3), G.S. 108A-14(b), and G.S. 108A-15.1.
- (11) "Division of Aging and Adult Services" shall mean the Division of Aging as defined in G.S. 143B-181.1.
- (12) "Essential Person" shall mean, for the purposes of the State/County Special Assistance for the Certain Disabled Program, a person who is not a spouse and who is living in the recipient's home, rendering services without which the recipient would not be able to remain in his or her home.
- (13) "Maintenance Amount" shall mean the Adult Care Facility Rate plus the Personal Needs Allowance.
- (14) "Personal Needs Allowance" shall mean, for the purposes of this Subchapter, the monthly sum of money that a recipient of the State/County Special Assistance Program may retain from his or her personal income for clothing and other personal needs and expenses as described in 42 C.F.R. 435.832(c)(1). The monthly Personal Needs Allowance for the State/County Special Assistance Program is established by the General Assembly.
- (15) "State/County Special Assistance Program" is authorized and established by G.S. 108A-25(a)(2) and G.S. 108A-40 through G.S. 108A-47.1. The State/County Special Assistance Program provides to eligible individuals an Optional State Supplementary payment to the federal Supplemental Security Income Program (SSI), pursuant to 42 U.S.C. 1382e and 20 C.F.R. 416.2001
- (16) "State/County Special Assistance for the Certain Disabled Program" is authorized and established by G.S. 108A-41(d), G.S. 108A-42(b), and G.S. 108A-45 for persons in an in-home living arrangement who meet the eligibility criteria set forth in Rule .0805 of this Subchapter.

- (17) "State/County Special Assistance In-Home Program" is authorized and established by G.S. 108A-47.1 for persons living in an in-home living arrangement who meet the eligibility criteria in Rules .0803 and .0804 of this Subchapter. For purposes of this Subchapter, the State/County Special Assistance Program shall also include the State/County Special Assistance In-Home Program unless otherwise noted.
- (18) "Substitute Payee" shall mean an Authorized Representative who is responsible for receiving and disbursing State/County Special Assistance Program payments to meet the recipient's needs.

History Note: Authority G.S. 108A-40; 143B-153;
Eff. January 1, 1983;
Amended Eff. June 1, 2016; June 1, 1990; February 1, 1986;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.