

## SUBCHAPTER 05L - ADVOCACY ASSISTANCE

### SECTION .0100 – GENERAL PROVISIONS

#### 10A NCAC 05L .0101 GENERAL ADVOCACY RESPONSIBILITIES

As a part of state agency general advocacy responsibilities the Division of Aging will:

- (1) review and comment on all state plans, budgets and policies which affect older persons;
- (2) conduct public hearings on the needs of older persons;
- (3) coordinate statewide planning and development of activities related to the purposes of the Act and assure that each area agency has effective procedures to coordinate programs related to the purposes of the Act within the planning and service area;
- (4) represent the interests of older persons before legislative executive and regulatory bodies in North Carolina;
- (5) provide technical assistance to any public or private non-profit agency, organization, or association, or individual representing older persons;
- (6) establish and operate the long-term care ombudsman program required by federal regulations; and
- (7) review and comment, on request, on applications to state and federal agencies for assistance relating to meeting the needs of older persons.

*History Note:* Authority G.S. 143B-10; 143B-138; 45 C.F.R., Chapter XIII, Part 1321;  
Eff. October 1, 1980;

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

#### 10A NCAC 05L .0102 LONG-TERM CARE OMBUDSMAN PROGRAM

The Division shall provide a long-term care ombudsman program subject to the following:

- (1) If the regional ombudsman receives a complaint directly and plans to utilize any community advisory committee members for complaint resolution, written permission must be obtained from the resident or resident's legal representative to utilize the community advisory committee members for this purpose.
- (2) When the regional ombudsman receives a complaint directly, she or he retains jurisdiction and oversight over the complaint throughout the complaint resolution process.
- (3) If the community advisory committee chairman discloses the identity of the resident who files a complaint or on whose behalf a complaint is filed to the regional ombudsman, the regional ombudsman assumes jurisdiction and oversight over the complaint.
- (4) If the regional ombudsman believes the resident on whose behalf a complaint has been filed is not competent, she or he shall consult with the attorney designated to provide legal representation regarding procedures for pursuing appointment of a legal representative for the resident.

*History Note:* Authority G.S. 143B-181.1(c); 143B-181.15 through 143B-181.25; 45 C.F.R., Part 1321.9;  
Eff. October 1, 1980;

*Amended Eff. January 1, 1991;*

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

#### 10A NCAC 05L .0103 LEGAL SERVICES PROGRAM

The Division of Aging shall encourage and assist the development of legal services designed to provide legal advice and representation for older North Carolinians. The purpose of awards under this program is to increase the availability of legal services with a priority on older persons with the greatest economic or social need in order to assist them to secure their rights, benefits, and entitlements, and to assist them in achieving the objectives of the Act. Legal services provided with funds under the Act shall be in addition to any legal services already being provided to older persons in the planning and service area.

*History Note:* Authority G.S. 143B-10; 143B-138; 45 C.F.R., Chapter XIII, Part 1321.51;  
Eff. October 1, 1980;

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