

10A NCAC 13G .1106 SETTLEMENT OF COST OF CARE

(a) If a resident of a family care home, after being notified by the home of its intent to discharge the resident in accordance with Rule .0705 of this Subchapter, moves out of the home before the period of time specified in the notice has elapsed, the home shall refund the resident an amount equal to the cost of care for the remainder of the month minus any nights spent in the home during the notice period. The refund shall be made within 14 days after the resident leaves the home.

(b) If a resident moves out of the home without giving notice, as may be required by the home according to Rule .0705(h) of this Subchapter, or before the home's required notice period has elapsed, the resident owes the home an amount equal to the cost of care for the required notice period. If a resident receiving State-County Special Assistance moves without giving notice or before the notice period has elapsed, the former home is entitled to the required payment for the notice period before the new home receives any payment. The home shall refund the resident the remainder of any advance payment following settlement of the cost of care. The refund shall be made within 14 days from the date of notice or, if no notice is given, within 14 days of the resident leaving the home.

(c) When there is an exception to the notice as provided in Rule .0705(h) of this Subchapter to protect the health or safety of the resident or others in the home, the resident is only required to pay for any nights spent in the home. A refund shall be made to the resident by the home within 14 days from the date of notice.

(d) When a resident gives notice of leaving the home, as may be required by the home according to Rule .0705(h) of this Subchapter, and leaves at the end of the notice period, the home shall refund the resident the remainder of any advance payment within 14 days from the date of notice. If notice is not required by the home, the refund shall be made within 14 days after the resident leaves the home.

(e) When a resident leaves the home with the intent of returning to it, the following apply:

- (1) The home may reserve the resident's bed for a set number of days with the written agreement of the home and the resident or his responsible person and thereby require payment for the days the bed is held.
- (2) If, after leaving the home, the resident decides not to return to it, the resident or someone acting on his behalf may be required by the home to provide up to a 14-day written notice that he is not returning.
- (3) Requirement of a notice, if it is to be applied by the home, shall be a part of the written agreement and explained by the home to the resident and his family or responsible person before signing.
- (4) On notice by the resident or someone acting on his behalf that he will not be returning to the home, the home shall refund the remainder of any advance payment to the resident or his responsible person, minus an amount equal to the cost of care for the period covered by the agreement. The refund shall be made within 14 days after notification that the resident will not be returning to the home.
- (5) In no situation involving a recipient of State-County Special Assistance may a home require payment for more than 30 days since State-County Special Assistance is not authorized unless the resident is actually residing in the home or it is anticipated that he will return to the home within 30 days.
- (6) Exceptions to the two weeks' notice, if required by the home, are cases where returning to the home would jeopardize the health or safety of the resident or others in the home as certified by the resident's physician or approved by the county department of social services, and in the case of the resident's death. In these cases, the home shall refund the rest of any advance payment calculated beginning with the day the home is notified.

(f) If a resident dies, the administrator of his estate or the Clerk of Superior Court, when no administrator for his estate has been appointed, shall be given a refund equal to the cost of care for the month minus any nights spent in the home during the month. This is to be done within 30 days after the resident's death.

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