

10A NCAC 28C .0310 CLIENT'S PERSONAL FUNDS

(a) Where the state facility has been designated as representative payee or when the client is a Medicaid recipient, provisions in Paragraphs (b) through (g) of this Rule shall be interpreted in accordance with any requirements of the funding source.

(b) In accordance with G.S. 122C-62(b)(8) and G.S. 122C-62(d)(9), the maximum amount of money clients will be allowed to have and spend will be determined by the treatment/habilitation team or will be determined by each unit in a state facility based upon the needs and abilities of the client population. Client requests to retain money above the maximum allowable amount shall be reviewed by the client treatment/habilitation team and the decision shall be documented in the client record. Any imposed limitation or restriction by the responsible professional on the client's right to have and spend the sum of money determined to be reasonable shall be documented in accordance with G.S. 122C-62(e).

(c) The state facility shall develop written policies and procedures which:

- (1) allow the client to deposit and withdraw money from a personal fund account;
- (2) regulate the receipt and distribution of funds in personal fund accounts;
- (3) provide for the receipt of deposits in personal fund accounts from friends, relatives or others and withdrawal by the client;
- (4) provide for the keeping of adequate financial records on all transactions affecting funds on deposit in personal fund accounts;
- (5) provide for the issuance of receipts to persons depositing or withdrawing funds; and
- (6) provide for a periodic accounting of personal fund accounts.

(d) Where the client, due to his physical or mental condition, is unable to manage his own funds, the legally responsible person may request that the State Facility Director provide for the handling of a portion of funds in the personal fund account for a personal needs allowance of the client. If the State Facility Director provides for the handling of these funds, proper accounting must be maintained for such monies. The funds must be kept separate from any operating funds of the state facility.

(e) The state facility may not deduct from a personal fund account any amount owed or alleged to be owed to the state facility or a state facility employee or visitor to the state facility or other client of the state facility for damages done or alleged to have been done by the client to the state facility, property of the state facility, state facility employee, visitor or other client, unless the client or his legally responsible person authorizes the deduction.

(f) The state facility may not deduct from a personal fund account any amount owed or alleged to be owed to the state facility for treatment or habilitation services unless the client or legally responsible person authorizes the deduction. The state facility may develop a policy for deduction from personal fund accounts for treatment or habilitation services which provides for this authorization by the client or legally responsible person upon or subsequent to admission of the client.

(g) Competent adult clients may maintain or invest their money in other than personal fund accounts at the state facility. This shall include, but not be limited to, investment of funds in interest bearing accounts.

History Note: Authority G.S. 122C-51; 122C-58; 122C-62; 131E-67; 143B-147;

Eff. October 1, 1984;

Amended Eff. April 1, 1990; July 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.