

10A NCAC 71P .0705 NOTICE TO RECIPIENT OF INTENDED ACTION

The director of the County Department or his or her designee shall notify the recipient and his or her Authorized Representative or any designated person, in writing of any intended action to terminate or modify the recipient's State/County Special Assistance Program payment, as follows:

- (1) Notice shall be sent no later than 10 business days before the proposed action becomes effective, as authorized by 108A-79(b).
- (2) Notwithstanding the requirements of Item (1) of this Rule, an action to modify or terminate the payment shall be effective immediately, as authorized by G.S. 108A-79(b), 10A NCAC 67A .0202, and 42 CFR 431.213(a) through 42 CFR 431.213(f), in the following circumstances:
 - (a) the County Department terminates the State/County Special Assistance Program payment based on verification of the death of the recipient;
 - (b) the recipient is admitted to a public institution and no longer qualifies for assistance;
 - (c) the recipient signs and dates a written request to have the State/County Special Assistance Program terminated or reduced;
 - (d) the recipient is placed in skilled nursing care, intermediate care, or long-term hospitalization;
 - (e) the recipient's whereabouts are unknown and agency mail has been returned by the post office indicating no known forwarding address; or
 - (f) the modification is beneficial to the recipient.
- (3) All notices of action shall contain information set forth in G.S. 108A-79(c).

History Note: Authority G.S. 108A-40; 108A-79; 143B-153;
Eff. June 1, 2016.