

1 10A NCAC 22H .0202 is readopted as published in 32:13 NCR 1258–1268 as follows:

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3 **10A NCAC 22H .0202 TRANSFER AND DISCHARGE REQUIREMENTS**

4 (a) To transfer or discharge a resident, a facility shall comply with all of the requirements of 42 C.F.R. 483.15, which  
5 is adopted and incorporated by reference with subsequent changes or amendments and available free of charge at  
6 <https://www.ecfr.gov/>.

7 (b)(a) In addition to the requirements in Paragraph (a) of this Rule, a resident and, if contact information is available,  
8 ~~known,~~ a family member or legal representative of the resident, shall be notified in writing of a facility's decision to  
9 transfer or discharge the resident. The Notice of Transfer or Discharge form shall be used by a facility when giving  
10 notice of a transfer or discharge.

11 ~~(c)(b)~~ Failure to complete the Notice of Transfer or Discharge form shall result in the notice of the transfer or discharge  
12 being invalid, ineffective.

13 ~~(d)(e)~~ The resident shall be handed the Notice of Transfer or Discharge form on the same day that it is dated.

14 ~~(e)(d)~~ A copy of the notice of Transfer or Discharge form shall be mailed to the family member or legal representative,  
15 if contact information is available, representative on the same day that it is dated.

16 ~~(f)(e)~~ The facility shall provide a Nursing Home Hearing Request ~~for Hearing-Form~~ to the resident and to the family  
17 member or legal representative, if contact information is available, representative simultaneously with ~~at the same~~  
18 time as providing the Notice of Transfer or Discharge form.

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20 *History Note: Authority G.S. 108A-25(b); 150B-21.6; 42 USCS 1396r(e)(3), (f)(3); 42 C.F.R. 483; 42 C.F.R.*  
21 *483.5; 42 C.F.R. 483.12; 42 C.F.R. 483.202; 42 C.F.R. 483.206;*  
22 *Eff. April 1, 1994; 1994.*  
23 *Readopted Eff. July 1, 2018.*

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