

1 10A NCAC 22H .0202 is proposed for readoption with substantive changes 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 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. May 1, 2018.*  
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