



North Carolina Department of Health and Human Services
Division of Medical Assistance
2501 Mail Service Center · Raleigh, N. C. 27699-2501 · Tel 919-855-4100 · Fax 919-733-6608

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Carol H. Steckel, MPH
Director

MCO Communication Bulletin #63

Date: September 18, 2013
To: LME-MCO Contract Managers
From: Deb Goda, IDD Clinical Policy Manager, Behavioral Health Section, DMA
Subject: HB 543 - Providers as Legal Guardians -- **REMINDER**

REMINDER:
HB 543 was signed into law on July 10, 2013.

This allows for certain individuals to serve as a guardian for a ward for whom they provide MH/DD/SA services.

Providers or employees of providers may not be Legal Guardians EXCEPT in certain instances that include:

- Parent of the ward,
- Member of the ward's immediate family,
- Licensed family foster care provider or licensed therapeutic foster care provider,
- A biologically unrelated individual who was serving on March 1, 2013, as a guardian without compensation for guardianship services.

Please see the attached document for the exact wording of this bill.

Guardians who do not meet these requirements as outlined in HB 543 must either:

- 1) Relinquish guardianship of the individual to whom they are providing services, or
- 2) Transition the provision of services of their ward to another provider.

This action must be initiated by September 30, 2013.



The requirements in this bill must be applied to any future request for a guardian to provide services to an individual who is their ward.

cc: Sandy Terrell, DMA
Courtney Cantrell, DMA
Kathy Nichols, DMA
Roger Barnes, DMA
Christal Kelly, DMA
David Holoman, DMA
Jeff Horton, DMA
Patrick Piggott, DMA
Dave Richard, DMHDDSAS
Jim Jarrard, DMHDDSAS
Flo Stein, DMHDDSAS
Mabel McGlothlen, DMHDDSAS
Mary Hooper, NCCCP

www.ncdhhs.gov • www.ncdhhs.gov/dma
Tel 919-855-4100 • Fax 919-733-6608

Location: 1985 Umstead Drive • Dorothea Dix Hospital Campus • Raleigh, NC 27603
Mailing Address: 2501 Mail Service Center • Raleigh, NC 27699-2501
An Equal Opportunity / Affirmative Action Employer

