

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 14
SENATE BILL 10

AN ACT TO AMEND G.S. 108A-24, 108A-41, AND 108A-42 TO CLARIFY
PUBLIC ASSISTANCE PROGRAM DISABILITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 108A-42 is rewritten to read as follows:

"(a) For purposes of G.S. 108A-41(b)(1), a person is permanently and totally disabled if:

- (1) this person was receiving aid to the disabled assistance in December 1973, and continues to be disabled under the definition of disability, having a physical or mental impairment which substantially precludes him from obtaining gainful employment and this impairment appears reasonably certain to continue without substantial improvement throughout his lifetime; or
- (2) this person applied for assistance on or after January 1, 1974, and is disabled under the Social Security standards.

(b) For purposes of G.S. 108A-41(d), a 'Certain Disabled' person is a person in a private living arrangement who is age 18 but less than age 65, having a physical or mental impairment which substantially precludes him from obtaining gainful employment, which impairment appears reasonably certain to continue without substantial improvement throughout his lifetime.

(c) Disability shall be reviewed by medical consultants employed by the Department. The final decision on the disability shall be made by these medical consultants under rules and regulations adopted by the Social Services Commission."

Sec. 2. G.S. 108A-41 is hereby amended to add "and prescribed by G.S. 108A-42(b)" between the word "Commission" and the period in the first sentence.

Sec. 3. G.S. 108A-24 is amended by repealing subdivision (4), and by redesignating subsections (5), (6), and (7) as subsections (4), (5), and (6).

Sec. 4. This act shall become effective July 1, 1983.

In the General Assembly read three times and ratified, this the 14th day of February, 1983.