

§ 58-64A-155. Required delivery of disclosure statement.

(a) A provider shall deliver a current disclosure statement meeting the requirements of G.S. 58-64A-150 to the person or the person's legal representative with whom a binding reservation agreement, continuing care contract, or continuing care at home contract is to be entered into. The disclosure statement shall be delivered no later than the earliest of the following occurrences: (i) the execution of a binding reservation agreement, continuing care contract, or continuing care at home contract, or (ii) the transfer of any money or other consideration, other than a nonbinding reservation agreement deposit, to a provider by or on behalf of a prospective resident. For purposes of this subsection, a disclosure statement is current if (i) it is dated within one year plus 160 days prior to the date of delivery and (ii) it is the most recently recorded disclosure statement on file with the Commissioner.

(b) The delivery required by this section may be by electronic means if the provider obtains the written consent of the person with whom the binding reservation agreement, continuing care contract, or continuing care at home contract is to be entered into. For the purposes of this subsection, delivery by electronic means shall mean delivery by either of the following methods:

- (1) Delivery to an email address at which the person has consented to receive the disclosure statement.
- (2) Both of the following:
 - a. Posting the disclosure statement on an electronic network or site accessible by the internet through use of a mobile application, computer, mobile device, tablet, or any other electronic device.
 - b. Sending separate notice of the posting described in sub-subdivision a. of this subdivision to the email address at which the person consented to receive notice of the disclosure statement posting.

(c) After receiving delivery of a disclosure statement pursuant to this section, a prospective resident shall sign an acknowledgement of receipt. The acknowledgement shall include (i) the date, (ii) the name of the person signing, and (iii) the date of the disclosure statement received, including date revised, if any. The provider shall provide a copy of the acknowledgement of receipt to the person signing and shall maintain the original. The acknowledgement of receipt required by this subsection may be received, given, and maintained in either an electronic or paper form.

(d) A copy of all disclosure statements, including all amendments, filed with and recorded by the Commissioner shall be maintained by the provider, in either electronic or paper form, for at least five years. (2025-58, s. 2; 2025-25, s. 29(1).)