

1 10A NCAC 23H .0111 is proposed for readoption without substantive changes as follows:

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3 **10A NCAC 23H .0111 DISCLOSURE WITHOUT CLIENT CONSENT**

4 (a) Client information from the Medicaid record may be disclosed without the consent of the client under the following
5 circumstances:

- 6 (1) To other employees of the county department of social services for purpose of making referrals,
7 supervision, consultation, ~~consultation~~ or determination of eligibility;
- 8 (2) To other county departments of social services when the client moves to that county and requests
9 Medicaid;
- 10 (3) Between the county departments of social services and the Division of ~~Medical Assistance~~ Health
11 Benefits for purposes of supervision and reporting.

12 (b) ~~Client information may be disclosed without consent to individuals requesting approval to conduct studies of~~
13 ~~client records, provided such approval is requested in writing and the written request will specify and be approved on~~
14 ~~the basis of:~~ Client information may be disclosed without client consent to individuals approved to conduct studies of
15 client records. The request to conduct the study shall be in writing, and shall be approved based upon:

- 16 (1) An explanation of how the findings of the study are expected to expand ~~have potential for expanding~~
17 knowledge and improve ~~improving~~ professional practices;
- 18 (2) A description of how the study will be conducted and how the findings will be used;
- 19 (3) ~~A presentation of the~~ The individual's credentials in the area of investigation;
- 20 (4) A description of how the individual will safeguard the information;
- 21 (5) An assurance that no report will contain the names of individuals or other information that makes
22 individuals identifiable.

23 (c) Client information may be disclosed without consent to federal, State ~~state~~, or county employees for the purpose
24 of monitoring, auditing, evaluating, ~~evaluation~~, or to facilitate the administration of other State ~~state~~ and federal
25 programs, provided that the need for the disclosure of confidential information is justifiable for the purpose and that
26 adequate safeguards, as described in 42 C.F.R. 431.300, which is adopted and incorporated by reference with
27 subsequent changes or amendments and available free of charge at <https://www.ecfr.gov/>, ~~safeguards~~ are maintained
28 to protect the information from re-disclosure.

29 (d) Client information may be disclosed without consent for purposes of complying with other State ~~state~~ and federal
30 statutes, rules, statutes and regulations and court orders.

31 (e) When information is released without the client's consent, the client shall be informed to the extent possible, of
32 the disclosure. The method of informing the client of the disclosure shall be documented in the appropriate ~~appropriate~~ record.

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34 *History Note:* Authority G.S. 108A-54; 108A-54.1B; 108A-80; 42 C.F.R. 431.306;
35 *Eff. September 1, 1984;*
36 *Transferred from 10A NCAC 21A .0411 Eff. May 1, 2012; 2012-*
37 *Readopted Eff. May 1, 2019.*

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