

### **10A NCAC 23H .0103    CONFIDENTIALITY**

(a) Except as otherwise provided in these Rules it shall be unlawful for any person to obtain, disclose or use, or to authorize, permit or acquiesce to the use of any list of names or other information concerning any client applying for or receiving Medicaid that may be directly or indirectly derived from the records, files, or communications of the agency, or acquired in the course of performing official duties except for purposes directly connected with the administration of the Medicaid program.

(b) Whenever federal or state statutes or regulations specifically address confidentiality issues, the agency shall disclose or keep confidential client information in accordance with those federal or state statutes or regulations.

(c) Whenever there is inconsistency between federal or state statutes or regulations specifically addressing confidentiality issues, the agency shall abide by the statute or regulation which provides more protection for the client.

*History Note:     Authority G.S. 108A-54; 108A-80; 42 C.F.R. 431.302;  
                         Eff. September 1, 1984;  
                         Amended Eff. August 1, 1990;  
                         Transferred from 10A NCAC 21A .0403 Eff. May 1, 2012;  
                         Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.*