

#### **10A NCAC 23H .0110    CONSENT FOR RELEASE**

- (a) As a part of the application process for Medicaid, the client shall be informed of the need for and give consent to release of information for verification of statements to establish eligibility.
- (b) No individual shall release any client information that is owned by the Division of Health Benefits or the county departments of social services, or request the release of information regarding the client from other agencies or individuals, without obtaining a signed consent for release of information. The procedure for disclosure without obtaining consent shall be in accordance with Rule .0111 of this Section.
- (c) The consent for release of information shall contain the following:
  - (1) The name of the provider and the recipient of the information;
  - (2) The extent of information to be released;
  - (3) The name and dated signature of the client;
  - (4) A statement that the consent is subject to revocation at any time except to the extent that action has been taken in reliance on the consent; and
  - (5) The length of time the consent is valid.
- (d) The client may alter the form to contain other information, including:
  - (1) A statement specifying the date, event, or condition upon which the consent may expire even if the client does not expressly revoke the consent; or
  - (2) A specific purpose for the release.
- (e) The following persons may consent to the release of information:
  - (1) The client;
  - (2) The legal guardian if the client has been judged incompetent; or
  - (3) The county department of social services if the client is a minor and in the custody of the county department of social services.
- (f) Prior to obtaining a consent for release of information, the director or delegated representative shall explain the meaning of informed consent. The client shall be told the following:
  - (1) Contents to be released;
  - (2) That the information is needed to verify eligibility;
  - (3) That the client can give or withhold the consent and the consent is voluntary; and
  - (4) That there are statutes, rules, and regulations protecting the confidentiality of the information.

*History Note:*     *Authority G.S. 108A-54; 108A-54.1B; 108A-80; 42 C.F.R. 431.304; 42 C.F.R. 431.306; Eff. September 1, 1984;*  
*Amended Eff. August 1, 1990;*  
*Transferred from 10A NCAC 21A .0410 Eff. May 1, 2012;*  
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