

10A NCAC 23H .0111 DISCLOSURE WITHOUT CLIENT CONSENT

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

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

(b) Client information may be disclosed without client consent to individuals approved by the Division to conduct studies of client records. The request to conduct the study shall be in writing, and shall be approved based upon:

- (1) An explanation of how the findings of the study are expected to expand knowledge and improve professional practices among those who work in the field studied;
- (2) A description of how the study will be conducted and how the findings will be used;
- (3) The individual's credentials in the area of investigation;
- (4) A description of how the individual will safeguard the information; and
- (5) An assurance that no report will contain the names of individuals or other information that makes individuals identifiable.

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

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

(e) When information is released without the client's consent, the client shall be informed of the disclosure in writing to explain what information was released, how it was released, and how to contact the privacy official. The writing informing the client of the disclosure shall be documented in the record.

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