

10A NCAC 26B .0105 OWNERSHIP OF RECORDS

(a) All records, including those which contain confidential information which are generated in connection with the performance of any function of an area or state facility, are the property of the facility.

(b) Original client records may be removed from an area or state facility premises only under the following conditions:

- (1) in accordance with a subpoena to produce document or object or other order of the court or when client records are needed for district court hearings held in accordance with Article 5 of Chapter 122C of the N.C. General Statutes;
- (2) whenever client records are needed for treatment/habilitation or audit purposes, records may be transported within an area facility or between state facilities;
- (3) in situations where the facility determines it is not feasible or practical to copy the client record or portions thereof, client records may be securely transported to a local health care provider, provided the record remains in the custody of a delegated employee;
- (4) whenever a client expires at an area or state facility and an autopsy is to be conducted, the client record may be transported to the agency wherein the autopsy will be performed provided the agency complies with Rule .0108 of this Subchapter.

(c) Area facilities shall develop written policies and procedures regarding fees for the reproduction of client records.

(d) Except as otherwise provided in this Rule, state facilities shall charge uniform fees for the reproduction of client records which do not exceed the cost of reproduction, postage and handling. The uniform fee shall be five dollars (\$5.00) for up to three pages and fifteen cents (\$0.15) for each additional page. State facilities shall not charge for the reproduction of client records in the following types of situations:

- (1) professional courtesy when records are requested by physicians, psychologists, hospital or other health care providers;
- (2) third party payors when the state facility will derive direct financial benefits;
- (3) providers of support services as defined in G.S. 122C-3;
- (4) attorneys representing the Attorney General's office and Special Counsel;
- (5) other situations determined by the state facility to be for good cause;
- (6) when indigent clients request pertinent portions of their client records necessary for the purpose of establishing eligibility for SSI, SSADIB, Medicaid, or other legitimate aid; or
- (7) whenever state facilities utilize private photocopy services wherein the photocopy service, rather than the state facility, bills the recipient of the information based on the usual and customary fee established by the copy service.

History Note: Authority G.S. 122C-52; 122C-54; 122C-224.3; 122C-268; 122C-286; 131E-67; 143B-147; Eff. July 1, 1979; Amended Eff. February 1, 1991; March 1, 1990; February 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015.