

CHAPTER 43 – PERSONAL HEALTH

SUBCHAPTER 43A - FAMILY PLANNING

SECTION .0100 - GENERAL POLICIES

10A NCAC 43A .0101 RESERVED FOR FUTURE CODIFICATION

10A NCAC 43A .0102 REFERENCES

(a) For purposes of this Subchapter, the following regulations and documents are hereby adopted by reference in accordance with G.S. 150B-14(c):

- (1) 42 C.F.R. 50, POLICIES OF GENERAL APPLICABILITY;
- (2) 42 C.F.R. 59, GRANTS FOR FAMILY PLANNING SERVICES;
- (3) 45 C.F.R. 74, ADMINISTRATION OF GRANTS;
- (4) OMB Circular No. A-95; and
- (5) Local Health Department Standard, 10 NCAC 12 .0207, Family Planning Standard.

(b) The materials listed in (a) of this Rule are available for inspection at the Division of Public Health, 1915 Mail Service Center, Raleigh, North Carolina 27699-1915.

*History Note: Authority G.S. 130A-124;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; December 1, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

10A NCAC 43A .0103 LOCAL PROVIDER

For purposes of this Subchapter, "local provider" means a local health department or a public or private nonprofit agency which delivers comprehensive family planning services at the county or district level.

*History Note: Authority G.S. 130A-124;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; December 1, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

10A NCAC 43A .0104 RESPONSIBILITIES

(a) The branch shall be responsible for the overall operation of the North Carolina statewide family planning program, including the submission of an annual renewal application for funding under Title X of the Public Health Services Act that outlines priorities, plans, and related funding requirements for each of the participating local providers.

(b) The branch shall have the authority to negotiate agreements with local providers through approval of the annual renewal application by the United States Department of Health and Human Services.

(c) The branch shall be responsible for support services including:

- (1) provision for statewide data collection and technical assistance,
- (2) consultation and training for local providers to assure accountability in:
 - (A) the use of family planning funds,
 - (B) comprehensiveness and quality of services.

*History Note: Authority G.S. 130A-124;
Eff. December 1, 1980;
Amended Eff. September 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.*

10A NCAC 43A .0105 REGIONAL PROGRAM MANAGEMENT

10A NCAC 43A .0106 SUBCONTRACTING

10A NCAC 43A .0107 SUBMISSION OF REQUIRED REPORTS

History Note: Authority G.S. 130A-124;
Eff. December 1, 1980;
Amended Eff. December 1, 1991; September 1, 1990; July 1, 1983;
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0200 - LOCAL PROVIDER FUNDING

10A NCAC 43A .0201 DESCRIPTION
10A NCAC 43A .0202 REQUIREMENTS
10A NCAC 43A .0203 DETERMINATION
10A NCAC 43A .0204 FUNDING STIPULATIONS
10A NCAC 43A .0205 THIRD PARTY REIMBURSEMENT PROCEDURES FOR LOCAL PROVIDERS

History Note: Authority G.S. 130A-124;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, 1990; October 1, 1985; July 1, 1983; December 1, 1980;
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.

10A NCAC 43A .0206 DIRECT PATIENT CHARGES

History Note: Authority G.S. 130A-124;
Eff. December 1, 1980;
Amended Eff. September 1, 1990; July 1, 1983;
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0300 - LOCAL PROVIDER SERVICES

10A NCAC 43A .0301 MEDICAL SERVICES
10A NCAC 43A .0302 PATIENT EDUCATION
10A NCAC 43A .0303 COMMUNITY EDUCATION
10A NCAC 43A .0304 SOCIAL SERVICES
10A NCAC 43A .0305 INTERAGENCY COORDINATION
10A NCAC 43A .0306 ELIGIBILITY FOR SERVICES

History Note: Authority G.S. 130A-124;
Eff. December 1, 1980;
Amended Eff. September 1, 1990;
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0400 - QUALITY ASSURANCE

10A NCAC 43A .0401 SCOPE
10A NCAC 43A .0402 LOCAL FAMILY PLANNING QUALITY ASSURANCE PROGRAMS
10A NCAC 43A .0403 CLINICAL EFFECTIVENESS INDICATORS
10A NCAC 43A .0404 LOCAL RESPONSIBILITY FOR QUALITY ASSURANCE

History Note: Authority G.S. 130A-124;
Eff. December 1, 1980;
Amended Eff. September 1, 1990;
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0500 - PROGRAM POLICIES GOVERNING CLINIC PROCEDURES

10A NCAC 43A .0501 VOLUNTARY PARTICIPATION
10A NCAC 43A .0502 MEDICAL RECORDS
10A NCAC 43A .0503 SERVICES TO MINORS
10A NCAC 43A .0504 PATIENT CONSENT
10A NCAC 43A .0505 STERILIZATION
10A NCAC 43A .0506 ABORTION

History Note: Authority G.S. 130A-124; P.L. 91-572; 42 C.F.R. 50.205; 42 C.F.R. 50.208;
Eff. December 1, 1980;
Amended Eff. September 1, 1990;
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.

10A NCAC 43A .0502 MEDICAL RECORDS

- (a) Local providers shall maintain complete medical records for every patient. The medical records shall be completely and accurately documented, readily accessible and systematically organized. Each entry to a medical record shall be signed by the person making the entry.
- (b) All records shall be maintained, either in the original or by microfilm, for no less than five years.
- (c) Local providers shall protect the medical record against breaches of confidentiality.

History Note: Authority 130A-124;
Eff. December 1, 1980;
Amended Eff. September 1, 1990;
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.

10A NCAC 43A .0503 SERVICES TO MINORS

Family planning services shall be available to all who voluntarily request such services without regard to age or parental consent.

History Note: Authority G.S. 90-21.5; 130A-124;
Eff. December 1, 1980;
Amended Eff. September 1, 1990;
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.

10A NCAC 43A .0504 PATIENT CONSENT

Method-specific informed consent shall be obtained each time the individual changes the birth control method selected.

History Note: Authority G.S. 130A-124;
Eff. December 1, 1980;
Amended Eff. September 1, 1990;
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.

10A NCAC 43A .0505 STERILIZATION

- (a) Local providers shall not use federal funds to pay for sterilization procedures, including arranging for such procedures, unless all the requirements of 42 C.F.R., 50.201 through 50.204, which are adopted by reference in accordance with G.S. 150B-14(c), have been met. In addition, informed consent procedures for sterilization operations contained in Chapter 90, Article 19, of the North Carolina General Statutes, which are adopted by reference in accordance with G.S. 150B-14(c), shall also be followed.
- (b) Local providers shall follow Chapter 35, Article 7, of the North Carolina General Statutes, which are adopted by reference in accordance with G.S. 150B-14(c), in cases involving sterilization of mentally ill and mentally retarded persons.
- (c) Local providers shall notify the branch of any sterilization covered by (a) of this Rule.
- (d) Local providers receiving funds from the branch are subject to penalty if they coerce or try to coerce any individual to undergo a sterilization.

History Note: Authority G.S. 130A-124; 42 C.F.R. 50.205; 42 C.F.R. 50.208;
Eff. December 1, 1980;

*Amended Eff. September 1, 1990;
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.*

10A NCAC 43A .0506 ABORTION

- (a) No funds provided by the branch shall be used by local providers for abortion services.
- (b) Local providers receiving funds from the branch shall be subject to penalty if they coerce or try to coerce any individual to undergo an abortion.

*History Note: Authority G.S. 130A-124; P.L. 91-572;
Eff. December 1, 1980;
Amended Eff. September 1, 1990;
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.*

SECTION .0600 - RESERVED FOR FUTURE CODIFICATION

SECTION .0700 - RESERVED FOR FUTURE CODIFICATION

SECTION .0800 - TEEN PREGNANCY PREVENTION

- 10A NCAC 43A .0801 GENERAL**
- 10A NCAC 43A .0802 DEFINITIONS**
- 10A NCAC 43A .0803 GRANT APPLICATIONS**
- 10A NCAC 43A .0804 MAXIMUM FUNDING LEVEL**
- 10A NCAC 43A .0805 OPERATING STANDARDS**
- 10A NCAC 43A .0806 EVALUATION AND MONITORING**
- 10A NCAC 43A .0807 RENEWAL OF GRANT FUNDS**

*History Note: Authority G.S. 130A-124; 130A-131.15A; S.L. 1989, c. 752, s. 136;
Eff. August 1, 1990;
Amended Eff. January 4, 1994; July 1, 1992; August 1, 1991;
Temporary Amendment Eff. December 1, 2001;
Temporary Amendment Expired September 13, 2002;
Amended Eff. August 1, 2004; April 1, 2003;
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.*

10A NCAC 43A .0808 CRITERIA FOR PROJECT SELECTION

*History Note: Authority G.S. 130A-124; 130A-131.15A;
Temporary Adoption Eff. December 1, 2001;
Temporary Adoption Expired September 13, 2002;
Eff. April 1, 2003;
Amended Eff. April 1, 2008; August 1, 2004;
Expired Eff. November 1, 2017 pursuant to G.S. 150B-21.3A.*