

## SECTION .0400 - RELEASE OF CLIENT INFORMATION

### 10A NCAC 69 .0401 PROCEDURE FOR OBTAINING CONSENT FOR RELEASE OF INFORMATION

- (a) As a part of the application process for public assistance or services, the client shall be informed of the need for and give consent to the release of information necessary to verify statements to establish eligibility.
- (b) As a part of the application process for Work First Family Assistance, or State or County Special Assistance for Adults, the client shall be informed of the requirement for listing of the public assistance recipient's name, address, and amount of the monthly grant in a public record open to public inspection during the regular office hours of the county auditor.
- (c) No individual shall release any client information that is owned by the State Division of Social Services 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 Section .0500 of this Subchapter.
- (d) The consent for release of information shall be on a form provided by the agency or 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.
- (e) 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.
- (f) The following persons may consent to the release of information:
- (1) The client;
  - (2) The legal guardian if the client has been adjudicated 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.
- (g) 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.
- (h) Directors and their delegated representatives shall release client information in accordance with the Rules of this Section, court orders, and any applicable State statutes or federal regulations.
- (i) Whenever client information is disclosed, in accordance with rules of this Section, the director or delegated representative shall document the reason for the disclosure in the client record including placing a copy of the signed consent in the client record.

*History Note:* Authority G.S. 108A-80; 143B-153;  
Eff. October 1, 1981;  
Amended Eff. March 1, 1990;  
Readopted Eff. September 1, 2019.