

10A NCAC 70I .0305 RECORDKEEPING AND REPORTING

- (a) A residential child-care facility shall develop and enforce a policy on confidentiality that shall:
- (1) identify the individuals with access to or control over confidential information;
 - (2) specify that persons who have access to records or specified information in a record be limited to persons authorized by law, including:
 - (A) the parents, guardian, or legal custodian (if applicable);
 - (B) children ages 12 years or older;
 - (C) agency staff and auditing, licensing, or accrediting personnel; and
 - (D) individuals that the parent, guardian, or legal custodian (if applicable) have given written consent for release of confidential information; and
 - (3) require that when a child's information is disclosed, a signed written consent for release of information is obtained from the parent, guardian, legal custodian, or client if age 18 or older.
- (b) A residential child-care facility shall:
- (1) provide a secure place for the storage of records with confidential information;
 - (2) inform any individual with access to confidential information of the provisions of this Rule;
 - (3) ensure that, upon employment and whenever revisions to the policy are made, staff sign a compliance statement that indicates an understanding of the requirements of confidentiality;
 - (4) permit a child to review his or her case record in the presence of facility personnel on the facility premises, in a manner that protects the confidentiality of other family members or other individuals referenced in the record, unless facility personnel determine the information in the child's case record would be harmful to the child;
 - (5) in cases of perceived harm to the child, document in writing any refusals to share information with the parents, guardian, and legal custodian (if applicable) and child (12 years of age and older);
 - (6) maintain a confidential case record for each child;
 - (7) maintain confidential personnel records for all employees; and
 - (8) maintain confidential records for all volunteers.
- (c) A residential child-care facility may destroy in office a closed record when a child has been discharged for a period of three years, unless the record is included in a federal or state fiscal or program audit that is unresolved. A residential child-care facility may destroy in office a record three years after a child has reached age 21, unless included in a federal or state fiscal or program audit that is unresolved. The agency may destroy these closed records in office when the federal or state fiscal or program audits have been resolved and the agency is released from all audits involving these records.

*History Note: Authority G.S. 131D-10.5; 143B-153;
Eff. July 1, 1999 (See S.L. 1999, c. 237, s. 11.30);
Amended Eff. October 1, 2008; July 18, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5, 2016;
Amended Eff. October 1, 2017.*