

21 NCAC 53 .1005 CONFIDENTIALITY

(a) The Program shall maintain records on all Potential Participants and Participants, and the records, including those obtained from Independent Providers, treating professionals, and other third parties concerning Potential Participants or Participants, shall remain confidential in accordance with G.S. 90-340(f).

(b) Information and documentation received by the Program regarding a Potential Participant or Participant shall remain confidential and shall not be released to the Board, except as set forth in Rule .1004 of this Section, unless the Program determines that the Potential Participant or Participant:

- (1) constitutes an Imminent Danger to client care, the public, or himself or herself for any reason;
- (2) is unable to practice clinical mental health counseling with reasonable skill and safety consistent with G.S. 90-340(a)(11); or
- (3) refuses to cooperate with the Program, including failing to submit to assessment or treatment recommended by the Program or failing to comply with the terms of a Participation Agreement.

(c) If the Program determines that a Participant meets any of the criteria of Subparagraphs (b)(1) through (b)(3) of this Rule, the Program shall submit a report to the Board along with all information, documentation, and any other evidence of the events leading to the report no later than 72 hours after making the determination.

(d) Becoming a Participant or consenting to Screening by the Program shall not create a clinical or treatment relationship between the Program and Participants or Potential Participants.

History Note: *Authority G.S. 90-334(l); G.S. 90-340;*
 Eff. February 1, 2026.