

21 NCAC 68 .0508 CONFIDENTIALITY

- (a) The substance abuse professional shall protect the privacy of current and former clients and shall not disclose confidential information without prior consent.
- (b) The substance abuse professional shall inform the client and obtain written permission for the use of interview material for training purposes and observation of an interview.
- (c) The substance abuse professional shall make provisions for the maintenance of confidentiality and the ultimate disposition of confidential records. These provisions shall be consistent with the prohibition against disclosure of records or other information concerning any client in a federally-assisted alcohol or drug abuse program as it appears in 42 C.F.R., Part 2, 42 U.S.C. 290ee-3, the HIPAA Privacy Rule appearing in 45 CFR Sections 160 and 164 and State law.
- (d) The substance abuse professional shall disclose confidential information only:
 - (1) when there is clear and imminent danger to the client or to other persons or a medical emergency and then only to the appropriate professional worker or public authorities;
 - (2) when compelled by law to provide such information;
 - (3) with a proper consent form in writing issued pursuant to 42 C.F.R., Part 2, 42 U.S.C. 290ee-3; or
 - (4) for internal program communications and communications that do not disclose patient-identifying information.
- (e) With prior written consent the substance abuse professional shall discuss the information obtained in a clinical or consulting relationship only in a professional setting and only for a professional purpose concerned with the case. Written and oral reports shall present only data germane to the purpose of the evaluation.
- (f) The substance abuse professional shall use material in classroom teaching and writing only when the identity of the person involved is disguised adequately to prevent disclosure or documented permission is given by the party or the information is in the public domain.

*History Note: Authority G.S. 90-113.30; 90-113.43; 90-113.44;
 Temporary Adoption Eff. October 23, 1995 for a period of 180 days or until the permanent rule
 becomes effective, whichever is sooner;
 Eff. February 1, 1996;
 Amended Eff. January 1, 2010; April 1, 2001.*