

1 10A NCAC 23H .0110 is proposed for readoption without substantive changes as follows:

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3 **10A NCAC 23H .0110 CONSENT FOR RELEASE**

4 (a) As a part of the application process for Medicaid, the client shall be informed of the need for and give consent to
5 release of information for verification of necessary to verify statements to establish eligibility.

6 (b) No individual shall release any client information ~~which that~~ is owned by the Division of ~~Medical Assistance~~
7 Health Benefits or the county departments of social services, or request the release of information regarding the client
8 from other agencies or individuals, individuals without obtaining a signed consent for release of information. The
9 procedure for disclosure ~~Disclosure~~ without obtaining consent shall be in accordance with Rule .0111 of this Section.

10 (c) The consent for release of information ~~shall be on a form provided by the Division of Medical Assistance or shall~~
11 contain the following:

- 12 (1) The name ~~Name~~ of the provider and the recipient of the information;
- 13 (2) The extent of information to be released;
- 14 (3) The name and dated signature of the client;
- 15 (4) A statement that the consent is subject to revocation at any time except to the extent that action has
16 been taken in reliance on the consent; and
- 17 (5) The length ~~Length~~ of time the consent is valid.

18 (d) The client may alter the form to contain other ~~information~~ information, including: ~~which may include but need~~
19 ~~not be limited to:~~

- 20 (1) A statement specifying the date, event, ~~event~~ or condition upon which the consent may expire even
21 if the client does not expressly revoke the consent; or
- 22 (2) A specific ~~Specific~~ purpose for the release.

23 (e) The following persons may consent to the release of information:

- 24 (1) The client;
- 25 (2) The legal guardian if the client has been judged incompetent; or
- 26 (3) The county department of social services if the client is a minor and in the custody of the county
27 department of social services.

28 (f) Prior to obtaining a consent for release of information, the director or ~~delegated representative~~ shall explain the
29 meaning of informed consent. The client shall be told the following:

- 30 (1) Contents to be released;
- 31 (2) That the information is needed to verify eligibility; ~~there is a definite need for the information;~~
- 32 (3) That the client can give or withhold the consent and the consent is voluntary; and
- 33 (4) That there are statutes, ~~rules~~ rules, and regulations protecting the confidentiality of the information.

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35 *History Note: Authority G.S. 108A-54; 108A-54.1B; 108A-80; 42 C.F.R. 431.304; 42 C.F.R. 431.306;*

36 *Eff. September 1, 1984;*

37 *Amended Eff. August 1, 1990;*

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