

G.S. 150B-21.3A Report for 10A NCAC 26B, CONFIDENTIALITY RULES

Agency - DHHS Commission for Mental Health/DD/SAS

Comment Period - December 13, 2024 - February 11, 2025

Date Submitted to APO - April 25, 2025

| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps | | |
|--|--|--|--|---|--|---|-----------------------------|--|--|---|--|------------------------|---------------------------------|---------------------|
| SUBCHAPTER 26B – CONFIDENTIALITY RULES | SECTION .0100 – GENERAL RULES | 10A NCAC 26B .0101 | PURPOSE AND SCOPE | Amended Eff. September 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| | | 10A NCAC 26B .0102 | GENERAL PROVISIONS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| | | 10A NCAC 26B .0103 | DEFINITIONS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| | | 10A NCAC 26B .0104 | LIABILITY OF PERSONS WITH ACCESS TO INFORMATION | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| | | 10A NCAC 26B .0105 | OWNERSHIP OF RECORDS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| | | 10A NCAC 26B .0106 | ALTERATIONS IN THE CLIENT RECORD | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| | | 10A NCAC 26B .0107 | SECURITY OF CONFIDENTIAL INFORMATION | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| | | 10A NCAC 26B .0108 | ASSURANCE OF CONFIDENTIALITY | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| | | 10A NCAC 26B .0109 | REVIEW OF DECISIONS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| | | 10A NCAC 26B .0110 | INFORMATION RECEIVED FROM OTHER AGENCIES/INDIVIDUALS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| | | 10A NCAC 26B .0111 | INFORMATION PROVIDED TO FAMILY/OTHERS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| | | SECTION .0200 – RELEASE OF CONFIDENTIAL INFORMATION WITH CONSENT | | 10A NCAC 26B .0201 | CONSENT FOR RELEASE | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | | | 10A NCAC 26B .0202 | CONSENT FOR RELEASE FORM | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| 10A NCAC 26B .0203 | PERSONS WHO MAY SIGN CONSENT FOR RELEASE | | | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| 10A NCAC 26B .0204 | VERIFICATION OF AUTHORIZATION IN CASES OF DOUBT | | | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| 10A NCAC 26B .0205 | INFORMED CONSENT | | | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| 10A NCAC 26B .0206 | PERSONS DESIGNATED TO RELEASE CONFIDENTIAL INFORMATION | | | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |
| | | 10A NCAC 26B .0207 | DOCUMENTATION OF RELEASE | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt | | |

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|------------|---|--------------------|---|---|--|---|-----------------------------|--|--|---|--|---------------------|
| | | 10A NCAC 26B .0208 | PROHIBITION AGAINST REDISCLOSURE | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 26B .0209 | RELEASE TO HUMAN RIGHTS COMMITTEE MEMBERS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 26B .0210 | RELEASE TO AREA BOARD MEMBERS | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 26B .0211 | RELEASE OF INFORMATION BY INTERNAL CLIENT ADVOCATES | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0300 – DISCLOSURE OF CONFIDENTIAL INFORMATION WITHOUT CONSENT | 10A NCAC 26B .0301 | NOTICE TO CLIENT | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 26B .0302 | PERSONS DESIGNATED TO DISCLOSE CONFIDENTIAL INFORMATION | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 26B .0304 | PROHIBITION AGAINST REDISCLOSURE | Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 20, 2015 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |