

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 - Filled in by RRC staff												
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