

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Social Services Commission intends to amend the rule cited as 10A NCAC 69 .0304, readopt without substantive changes the rules cited as 10A NCAC 67A .0101, .0103, .0105-.0108, .0201-.0206; 68 .0101-.0108, .0202-.0206, .0208, .0301-.0303; 69 .0101, .0102, .0201-.0205, .0301-.0303, .0305, .0306, .0401-.0406, .0501-.0508, .0601-.0605; 72 .0101, .0102, .0201-.0203, and .0301.

Pursuant to G.S. 150B-21.2(c)(1), the text of the rule(s) proposed for re adoption without substantive changes are not required to be published. The text of the rules are available on the OAH website: <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www2.ncdhhs.gov/dss/sscommission/index.htm> and <https://www.ncdhhs.gov/divisions/social-services/social-services-commission>

Proposed Effective Date: July 1, 2019

Public Hearing:

Date: March 26, 2019

Time: 2:00 p.m.

Location: Division of Social Services 820 S. Boylan Ave, McBryde Building, Raleigh, NC 27603 Room 151

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice):

Reason for Proposed Action: Pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years or they shall expire. The Social Services Commission met on February 7, 2019 and voted to publish for public comment on the re adoption of Social Services rules relating to general administration, rulemaking, confidentiality and access to client records and education assistance. Rules in the chapters have either no changes or minor technical changes. In addition, Rule 10A NCAC 69 .0304 is proposed for amendment to update to include both pronouns in the sentence to him or her.

Comments may be submitted to: Paris Penny, 101 Blair Drive, 2001 Mail Service Center, Raleigh, NC 27699-2001; phone (919) 855-4805; fax (919) 733-7447; email paris.penny@dhhs.nc.gov

Comment period ends: April 30, 2019

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
- Environmental permitting of DOT affected
- Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (≥\$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

CHAPTER 67 - SOCIAL SERVICES - PROCEDURES

SUBCHAPTER 67A – GENERAL ADMINISTRATION

SECTION .0100 - ADMINISTRATION

10A NCAC 67A .0101 CONTENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

10A NCAC 67A .0103 STANDARDS FOR OFFICE SPACE AND FACILITIES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

- 10A NCAC 67A .0105 ADMINISTRATION AND AGENCY COMPLIANCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 67A .0106 CIVIL RIGHTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 67A .0107 FORMS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 67A .0108 ADVISORY TO COUNTIES REGARDING PETITION OF GARNISHMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

SECTION .0200 - HEARING POLICY

- 10A NCAC 67A .0201 GENERAL (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 67A .0202 EXCEPTIONS FOR NOTIFICATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 67A .0203 GOOD CAUSE FOR DELAYED HEARINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 67A .0204 ATTENDANCE AT THE HEARING (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 67A .0205 APPEAL DECISION (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 67A .0206 GOOD CAUSE FOR NOT REQUESTING HEARING AND REQUIRED TIME FRAMES (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

CHAPTER 68 - SOCIAL SERVICES: RULEMAKING

SECTION .0100 – RULEMAKING: SOCIAL SERVICES COMMISSION

- 10A NCAC 68 .0101 PETITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 68 .0102 NOTICE (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 68 .0103 HEARING OFFICER (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 68 .0104 HEARINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 68 .0105 STATEMENT OF REASONS FOR AND AGAINST RULEMAKING DECISION (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 68 .0106 RECORD OF RULEMAKING PROCEEDINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 68 .0107 FEES (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 68 .0108 DECLARATORY RULINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

SECTION .0200 - RULEMAKING: DIVISION DIRECTOR

- 10A NCAC 68 .0202 NOTICE (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 68 .0203 HEARING OFFICER (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 68 .0204 HEARINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 68 .0205 JUSTIFICATION OF RULEMAKING DECISION (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 68 .0206 RECORD OF RULEMAKING PROCEEDINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**
- 10A NCAC 68 .0208 DECLARATORY RULINGS (READOPTION WITHOUT SUBSTANTIVE CHANGES)**

SECTION .0300 – BOARDS OF SOCIAL SERVICES

- 10A NCAC 68 .0301 EMPLOYMENT OF RELATIVES OF COUNTY BOARD MEMBERS (READOPTIION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 68 .0302 SELECTION OF COUNTY BOARD MEMBERS BY SOCIAL SERVICES COMM (READOPTIION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 68 .0303 DELEGATION OF AUTHORITY BY COUNTY BOARDS (READOPTIION WITHOUT SUBSTANTIVE CHANGES)

CHAPTER 69 – CONFIDENTIALITY AND ACCESS TO CLIENT RECORDS

SECTION .0100 – GENERAL PROVISIONS

- 10A NCAC 69 .0101 DEFINITIONS (READOPTIION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0102 INFORMATION FROM OTHER AGENCIES (READOPTIION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0200 – SAFEGUARDING CLIENT INFORMATION

- 10A NCAC 69 .0201 CONFLICT OF LAWS (READOPTIION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0202 OWNERSHIP OF RECORDS (READOPTIION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0203 SECURITY OF RECORDS (READOPTIION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0204 ASSURANCE OF CONFIDENTIALITY (READOPTIION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0205 LIABILITY OF PERSONS WITH ACCESS TO CLIENT INFORMATION (READOPTIION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - CLIENT ACCESS TO RECORDS

- 10A NCAC 69 .0301 RIGHT OF ACCESS (READOPTIION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0302 PROMPT RESPONSE TO REQUEST (READOPTIION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0303 WITHHOLDING INFORMATION FROM THE CLIENT (READOPTIION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0304 PROCEDURES FOR REVIEW OF RECORDS

The director or his or her delegated representative shall be present when the client reviews the record. The director or his or her delegated representative must document in the client record the review of the record by the client.

*History Note: Authority G.S. 108A-80; 143B-153;
Eff. October 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.
Amended Eff. July 1, 2019*

- 10A NCAC 69 .0305 CONTESTED INFORMATION (READOPTIION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0306 REVIEW OF RECORD BY PERSONAL REPRESENTATIVES (READOPTIION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - RELEASE OF CLIENT INFORMATION

- 10A NCAC 69 .0401 PROCEDURE FOR OBTAINING CONSENT FOR RELEASE OF INFORMATION (READOPTIION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0402 CONSENT FOR RELEASE OF INFORMATION (READOPTIION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0403 PERSONS WHO MAY CONSENT TO THE RELEASE OF INFORMATION (READOPTIION WITHOUT SUBSTANTIVE CHANGES)

- 10A NCAC 69 .0404 INFORMED CONSENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0405 PERSONS DESIGNATED TO RELEASE CLIENT INFORMATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0406 DOCUMENTATION OF RELEASE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 - DISCLOSURE OF CLIENT INFORMATION WITHOUT CLIENT CONSENT

- 10A NCAC 69 .0501 DISCLOSURE WITHIN THE AGENCY (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0502 DISCLOSURE FOR THE PURPOSE OF RESEARCH (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0503 DISCLOSURE FOR PURPOSES OF ACCOUNTABILITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0504 DISCLOSURE PURSUANT TO OTHER LAWS (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0505 DISCLOSURE PURSUANT TO A COURT ORDER (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0506 NOTICE TO CLIENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0507 DOCUMENTATION OF DISCLOSURE (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0508 PERSONS DESIGNATED TO DISCLOSE INFORMATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0600 - SERVICE PROVIDERS

- 10A NCAC 69 .0601 INFORMATION NEEDS OF SERVICE PROVIDERS (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0602 CONTRACT RESTRICTION (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0603 ASSURANCE OF CONFIDENTIALITY (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0604 OWNERSHIP OF RECORDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 69 .0605 LIABILITY OF SERVICE PROVIDERS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

CHAPTER 72 – EDUCATIONAL ASSISTANCE

SECTION .0100 - GENERAL

- 10A NCAC 72 .0101 SCOPE (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 72 .0102 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0200 - STUDENT ELIGIBILITY FOR SCHOLARSHIPS, SATISFACTORY PROGRESS REQUIREMENTS

- 10A NCAC 72 .0201 GENERAL RULE (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 72 .0202 SATISFACTORY PROGRESS REQUIREMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)
- 10A NCAC 72 .0203 LIMITATION OF AWARD (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - APPLICATION

- 10A NCAC 72 .0301 SCHOLARSHIP APPLICATION PROCEDURES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

